Calendar No. 2474

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2440

WAIVING CERTAIN SUBSECTIONS OF SECTION 212 (a) OF THE IMMIGRATION AND NATIONALITY ACT IN BEHALF OF CERTAIN ALIENS

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 621]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 621) to waive certain subsections of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, having considered the same, reports favorably thereon without amendment and recommends that the joint resolution do pass.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution is to waive certain grounds for inadmissibility in behalf of four aliens who are closely related to United States citizens. The joint resolution also provides for the admission into the United States of the fiance of a United States citizen, notwithstanding grounds for inadmissibility, and her minor child.

STATEMENT OF FACTS

The following facts in each case included in the joint resolution were contained in House Report 2209 (84th Cong., 2d sess.):

Arnold Rosenthal—H. R. 2281, by Mr. Green of Pennsylvania

The beneficiary is a 29-year-old native and citizen of Germany who presently resides in Cuba. His parents, 1 brother, and 1 sister are naturalized citizens of the United States and reside in Philadelphia, Pa. The beneficiary has been refused a visa to enter the United States because of a mental deficiency.

The pertinent facts in this case are contained in a letter dated November 23, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the

Judiciary regarding a bill pending during the 83d Congress (H. R. 10125) for the relief of the same person. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 23, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

Dear Mr. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10125) for the relief of Arnold Rosenthal, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service which has custody of those files.

The bill as introduced would waive the excluding provisions of the Immigration and Nationality Act and would grant the alien permanent residence in the United States if he is found to be otherwise admissible. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

It appears that the bill was intended to waive the provisions of section 212 (a) (1), (a) (4), (a) (7) and (a) (15) of the Immigration and Nationality Act rather than all of the provisions of that section. The bill as drawn, however, does not specifically limit the waiver granted to the indicated provisions of section 212 (a).

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ARNOLD ROSENTHAL, BENEFICIARY OF H. R. 10125

Information concerning the case was obtained from Hans K. Rosenthal, brother of the beneficiary.

Arnold Rosenthal, the beneficiary of this bill, was born in Heilbronn, Germany, on September 28, 1926, and is a German citizen. He was in the United States for 3 days in February 1939, in transit to Cuba. Since February 1939, he has been residing in Habana, Cuba. He had been denied an immigrant visa because of mental deficiency and has been attending special school in Habana for the past 12 years.

Hans K. Rosenthal was born in Heilbronn, Germany, on October 16, 1924, and is a naturalized United States citizen. He came to the United States on October 14, 1940. He completed high school and some additional evening courses. He is married to a United States citizen. He is employed by Cutler Electric Products, Philadelphia, Pa., at an annual salary of $4,500. He is buying his home and has an automobile and furniture. His total assets are valued at about $10,000. Both parents and one sister also reside in Philadelphia. All are naturalized United States citizens. He stated his father and sister will share with him the expense in supporting the beneficiary until such time as he is able to

provide for himself. Their only relatives abroad are two uncles living in Israel.

The Acting Director of the Visa Office, Department of State, also submitted a report on H. R. 10125, 83d Congress, which reads as follows:

DEPARTMENT OF STATE,
Washington, August 26, 1954.

The Honorable CHAUNCEY W. REED,
Chairman, Committee on the Judiciary, House of Representatives.

DEAR MR. REED: Reference is made to your letter of August 5, 1954, and its enclosures, wherein you request a report of the facts in the case of Mr. Arnold Rosenthal, beneficiary of H. R. 10125, 83d Congress, 2d session.

The records of the Department show that the American Embassy at Habana first refused Mr. Rosenthal an immigrant visa in May 1939 on the ground of mental deficiency, which rendered him mandatorily excludable under section 3 of the Immigration Act of February 5, 1917. The conclusion that Mr. Rosenthal suffers from mental deficiency was that of a special board of medical examiners which included one or more specialists in psychiatry. It is understood that in December 1939, Mr. Rosenthal was reexamined by a special board of medical examiners of the United States Public Health Service, which reported on his mental condition as follows:

"It is not possible to state definitely what this individual's exact intelligence may be, but it is undoubtedly that of an imbecile. The diagnosis in this instance is that of mental deficiency imbecile type."

In February 1947, the Embassy at Habana received a petition approved by the Department of Justice granting Mr. Rosenthal nonquota status as the son of an American citizen. At this time, the Embassy consulted the medical officer of the United States Public Health Service attached to that office, whose opinion was that no useful purpose could be served by a reexamination of Mr. Rosenthal, and the alien was therefore not invited to reapply for a visa. However, at the instance of interested persons in the United States, he was accorded a further examination on August 5, 1948 and the opinion of the United States Public Health Surgeon was that the examination did not produce any evidence that the previous diagnosis should be changed.

The reports of the medical examiners in this case show notations to the effect that Mr. Rosenthal's mental condition is such that it could not be improved by any amount of teaching, and the Embassy feels that further examination would be to no avail.

In the light of the foregoing discussion and since section 212 (a) of the Immigration and Nationality Act renders ineligible to receive visas aliens who are afflicted with a mental defect, there is no further action which may be taken on Mr. Rosenthal's case.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office
(For the Secretary of State).

Mr. Green of Pennsylvania, the author of H. R. 2281, submitted the following affidavit in support of his bill:

H. R. 2281, FOR THE RELIEF OF ARNOLD ROSENTHAL

To Whom It May Concern:

This is to advise that my son, Arnold Rosenthal, presently in Habana, Cuba, will not become a public charge upon his admission to the United States. Provisions will be made for him and he will reside with his parents.

LEO ROSENTHAL,
Philadelphia, Pa.

Sworn and subscribed to before me a notary public for the Commonwealth of Pennsylvania this 23d day of May A. D. 1956.

[SEAL] RALPH C. BLUMBERG,
Notary Public.

My commission expires May 11, 1959.

Ludmilla Maria Anderwald and her minor child—H. R. 2695, by Mr. Betts

The beneficiaries are a 24-year-old native and citizen of Austria and her child, also a native and citizen of Austria, who is 4 years of age. The principal beneficiary is the fiance of a United States citizen who is presently serving in the United States Army. She has been found to be inadmissible to the United States because of a conviction for a crime involving moral turpitude and for having practiced prostitution.

Certain pertinent facts in this case are contained in a letter dated June 16, 1955, from the Commissioner of Immigration and Naturalization to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 16, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 2695) for the relief of Ludmilla Maria Anderwald and her minor child, Richard, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Baltimore, Md. office of this Service, which has custody of those files.

The bill would permit the beneficiary, Ludmilla Maria Anderwald, and her minor child, Richard, to obtain nonimmigrant visas and temporary admission to the United States with such visa for a period of 3 months notwithstanding the excluding provisions of paragraphs (9) and (12) of section 212 (a) of the Immigration and Nationality Act as such provisions are applicable to Ludmilla Maria Anderwald and as they relate to aliens who have been convicted of a crime involving moral turpitude and aliens who are or have been prostitutes: Provided that Ludmilla Maria Anderwald is found to be coming to the United States with a bona fide intention of being married to her finance, Robert M. Cornwell, a citizen of the United States serving in the

Armed Forces, and is found otherwise admissible; and provided further that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

In addition, the bill would provide that in the event the marriage between Ludmilla Maria Anderwald and Robert M. Cornwell does not occur within 3 months after her entry both beneficiaries shall be required to depart from the United States and upon failure to do so shall be deported pursuant to law. If the marriage does occur within the 3-month period, the Attorney General is authorized and directed to record the beneficiaries' lawful admission for permanent residence as of the date of the payment of the required visa fees. In this event, the beneficiary Ludmilla Maria Anderwald would be eligible for nonquota status as the spouse of a United States citizen. Her minor child, Richard, the co-beneficiary, would be a quota immigrant and chargeable to the quota of Austria.

It is accordingly suggested that the Committee may wish to amend the bill to provide for the deduction of one number from the appropriate immigration quota.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUDMILLA MARIA ANDERWALD AND HER MINOR CHILD, RICHARD, BENEFICIARIES OF H. R. 2695

Information concerning the beneficiaries was furnished by Sergeant Robert M. Cornwell, United States Army, Aberdeen Proving Grounds, Maryland, fiance of the beneficiary, Ludmilla Maria Anderwald.

The beneficiary, Ludmilla Maria Anderwald, is single. She was born on January 1, 1932 in Vorau, Austria. Her illegitimate minor child. Richard, the co-beneficiary, was born on January 31, 1952 in Salzburg, Austria. The beneficiaries are presently residing at Gartnerstrasse 17, Salzburg, Austria. They have never been in the United States and have no relatives in the United States.

Sergeant Robert M. Cornwell is single. He is a citizen of the United States. He is now stationed at Aberdeen Proving Grounds, Maryland. He has been a member of the United States Army since May 1951. He is a high school graduate and has no one in the United States dependent upon him for support. His annual income is $2,600. Sergeant Cornwell met the beneficiary, Ludmilla Maria Anderwald, while stationed in Austria, where they were affianced. Sergeant Cornwell states that he has no knowledge concerning any arrests or criminal record concerning the beneficiary, Ludmilla Maria Anderwald, and that he is not the father of her child, Richard.

The committee may wish to communicate with the Bureau of Security and Consular Affairs of the Department of State for additional information relating to the beneficiaries.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, February 21, 1956.

The Honorable EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 11, 1955 requesting a report of the facts in the case of Ludmilla Maria Anderwald and her minor child, the beneficiaries of H. R. 2695, which was introduced by Mr. Betts on January 20, 1955.

A report dated January 27, 1956, has now been received from the consul at Salzburg, Austria, indicating that Miss Anderwald was sentenced in December 1946 by the District Court of Hallein for embezzlement. The report states Miss Anderwald was 14 years of age at the time and that her sentence, which was "probation for 3 years and to be barred from entering Province Salzburg for 10 years" was rendered under the procedures applicable to juvenile offenders.

The report also states that according to information received from official sources Miss Anderwald was arrested 5 times for prostitution between February 1947 and October 1948; that she was arrested 3 times between July 1951 and August 1951 on the suspicion of secret prostitution; that on July 30, 1951, she was sentence to 5 days in jail for prostitution.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Betts, the author of H. R. 2695, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his measure, as follows:

STATEMENT OF JACKSON E. BETTS, MEMBER OF CONGRESS

Mr. Chairman and members of the subcommittee, I am appearing before your subcommittee today in support of H. R. 2695.

I realize that the file shows that Miss Anderwald was arrested on several occasions while yet a young girl. However, I believe that her subsequent conduct and the information which I have made available to your committee will assure you that she may now be considered a desirable citizen.

In support of this bill I wish to call the subcommittee's attention briefly to the following:

1. Continued statements by Robert Cornwell, fiance of Miss Anderwald, that he is still eager to marry her and knows all of the circumstances.

2. A statement by Robert's mother that she understands the circumstances and that she and her husband will be glad to take Miss Anderwald into their family and give her the chance which she has apparently been denied to date.

3. A statement from Robert's brother, the Reverend Glenn C. Cornwell, a Methodist minister at Toledo, Ohio, that he understands the facts and is anxious to assist his

brother in having Miss Anderwald come to this country so that Robert may marry her.

4. Statements of several of Miss Anderwald's friends in Salzburg, Germany, including an attorney at law, who is acquainted with her and can testify to her being a respectable person.

5. A statement of Miss Anderwald, herself, which explains her background, revealing that she was at an early age made an orphan without the benefit of parental guidance.

In view of these facts, I trust that the subcommittee will give favorable consideration to this bill.

Hertha Irmgard Hentsdel Barrett.—H. R. 6358, by Mr. Kilburn

The beneficiary is a 30-year-old native and citizen of Germany who is the wife of a United States citizen, a former serviceman. She has been found inadmissible to the United States because of a conviction in Germany in 1948 for practicing prostitution.

The pertinent facts in this case are contained in a letter dated December 19, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 19, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6358) for the relief of Mrs. Hertha Irmgard Hentsdel Barrett, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cincinnati, Ohio, office of this Service, which has custody of those files. According to the records of this Service, the correct name of the beneficiary is Hertha Irmgard Hentschel Barrett.

The bill would waive the provisions of the Immigration and Nationality Act, which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime, or aliens who are prostitutes or who have engaged in prostitution, and would grant the alien permanent residence if she is found to be otherwise admissible. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HERTHA IRMGARD HENTSDEL BARRETT, BENEFICIARY OF H. R. 6358

Information concerning the case was obtained from Mr. Francis Roland Barrett, husband of the beneficiary.

The beneficiary, a German subject, was born on February 8, 1926, in Berlin, Germany and has never been in the United States. Since December 4, 1954, she has been married to Francis Roland Barrett and they have no children. The beneficiary, who is unemployed, resides in Berlin, Germany and is dependent upon her husband for support. Her father is deceased and her mother resides in Germany. The beneficiary's education consists of 3 years' high school.

Mr. Barrett has testified that the beneficiary applied to the United States consulate in Frankfurt, Germany about December 10, 1954, for a visa to enter the United States and that the consulate refused to issue the visa. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Mr. Barrett was born on June 19, 1916, in Fulton, N. Y., and is a citizen of the United States. He resides with his mother in Covington, Ky., where he is the owner and operator of the Cedars Tavern. Mr. Barrett has a $3,300 equity in his place of business which he purchased at a price of $6,200 on July 1, 1955. In addition he has personal property which he values at $2,500 and cash assets of approximately $2,000. He served in the United States Navy and the United States Army from March 18, 1940, to September 30, 1954, except for the period May 6, 1946, to June 20, 1948, when he was employed as an insurance salesman. Mr. Barrett was honorably discharged from the United States Army on September 30, 1954, with the rank of technical sergeant.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below:

DEPARTMENT OF STATE,
Washington, July 7, 1955.

The Honorable EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of June 15, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Hertha Irmgard Hentsdel Barrett, beneficiary of H. R. 6358, 84th Congress, 1st session.

A report recently received by the Department from the American Consulate General at Frankfort-on-the-Main, Germany, states that on February 24, 1955, Mrs. Barrett was found to be inadmissible to the United States under section 212 (a) (12) of the Immigration and Nationality Act, due to her having been convicted by the district court of Mannheim on August 22, 1948, of professional prostitution. As the crime of prostitution is considered to be a crime involving

moral turpitude, Mrs. Barrett would also be ineligible to receive a visa under the provisions of section 212 (a) (9) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Mrs. Barrett's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Kilburn, the author of H. R. 6358, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his measure, as follows:

MEMORANDUM ON H. R. 6358 FOR RELIEF OF MRS. HERTHA IRMGARD HENTSDEL BARRETT

I was requested to introduce this bill by the woman's husband, Francis Roland Barrett, Fulton, N. Y.

Mr. Barrett served both in the Army and Navy. He is recipient of 5 battle stars and rates 1 Good Conduct Medal from the Navy and 2 Army Good Conduct Medals.

He married this woman at Kaiserslautern, Germany, on December 4, 1954, after having been engaged since August 1952.

Affidavits have been submitted to the committee from prominent people at Fulton attesting to the excellent character of Mr. Barrett.

The committee has reports, including court records, from State and Immigration Departments.

The woman was denied visa because of conviction for prostitution. Her husband was aware of this and went to Germany in November 1954 to try and secure a visa. The American consul told him only way visa could be obtained was by private bill. Barrett married the woman in December 1954. They have no children.

Mr. Kilburn also submitted the following statements in support of his bill:

STATE OF NEW YORK,
County of Oswego, City of Fulton, ss:

Maurice B. Conley, being duly sworn, deposes and says:

That he is upwards of 21 years of age; that he is the city judge of the city of Fulton, county of Oswego, State of New York, U. S. A., that he has lived in the city of Fulton all his life and has been a practicing attorney in this city and that he has held his present position of city judge for upwards of 10 years.

That during his life in Fulton he has been well acquainted with Francis Roland Barrett and has constantly seen him in this community, except for Mr. Barrett's period of service in the Army Forces

and that he knows him to be a citizen of good repute and responsibility and knows him to be a person of fine character.

That this affidavit is made for the purpose of obtaining a visa to Mr. Barrett's wife, who is now a citizen of Germany.

MAURICE B. CONLEY.

Subscribed and sworn to before me this 21st day of May 1955.

JAMES SHERIDAN HITTICK,
Notary Public.

My commission expires March 30, 1956.

STATE OF NEW YORK,
County of Oswego, City of Fulton, ss:

Francis Roland Barrett, being duly sworn, deposes and says:

That he is upwards of 21 years of age. That he has been a resident of the city of Fulton, county of Oswego and State of New York for 38 years, his entire life. That his absence from this community was caused by active duty in the armed services, from which he has been honorably discharged.

That while he was stationed in the United States Occupational Forces in Germany he became engaged to one Herta Irmgard Hentschel, residing in Kaiserslautern, Germany in October, 1952.

That after being discharged from the Armed Forces the deponent returned to Germany and married Herta Irmgard Hentschel at Kaiserslautern, Germany on December 4, 1954. That the deponent returned to the United States without his wife, the said Herta Irmgard Hentschel, and since that time has constantly sought to obtain her admission to the United States.

That he is of sufficient ability to support his said wife and is able to assume all financial responsibility for her when she enters this country. That the deponent states that his net worth at this time is upwards of Seven Thousand Dollars ($7,000). That he has personal savings accounts in the banks of the United States of upward of Forty-five Hundred Dollars ($4,500).

That this affidavit is made for the purpose of obtaining issuance of the visa from the United States consul's office in Frankfort, Germany and for any other purpose that would aid her in entering the United States.

FRANCIS ROLAND BARRETT.

Subscribed and sworn to before me this 21st day of May, 1955.

JAMES SHERIDAN HILLICK,
Notary Public.

My commission expires March 30, 1956.

STATE OF NEW YORK,
County of Oswego, city of Fulton, ss:

Joseph Crahan, being duly sworn, deposes and says:

That he is upward of 21 years of age; that he has been a patrolman of the Police Department of the city of Fulton, Oswego County, State of New York, U. S. A., for upward of 10 years and that he has

known Francis Roland Barrett constantly during his life in the city of Fulton; that the only time that Mr. Crahan has not constantly associated with Mr. Barrett was during the time when they were both in the Armed Forces, and since that time has renewed his acquaintance and does recommend him as to character and financial responsibility knowing that as to both of these conditions Mr. Barrett is an able citizen of the community of Fulton.

JOSEPH CRAHAN.

Subscribed and sworn to before me this 15th day of June 1955.

WILLIAM S. HILLICK,
Notary Public.

My commission expires March 30, 1956.

Marinus Everhardus Bos—H. R. 8029, by Mr. Ford

The beneficiary is a 34-year-old native and citizen of the Netherlands who is the husband of a citizen of the United States and the father of one United States citizen child who resides in this country with the beneficiary's wife. He has been found inadmissible to the United States because of convictions for crimes involving moral turpitude and because of the fact that he was deported to the Netherlands in 1951.

The pertinent facts in this case are contained in a letter dated March 8, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 8, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8029) for the relief of Marinus Everhardus Bos, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, and authorize the issuance of an immigrant visa to the beneficiary if he is found to be otherwise admissible. It further provides that this waiver shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARINUS EVERHARDUS BOS, BENEFICIARY OF H. R. 8029

In addition to the files of the Immigration and Naturalization Service, information concerning this case was obtained from Helen Bos, the beneficiary's wife.

Marinus Everhardus Bos, a native and citizen of The Netherlands, was born on January 3, 1922. On June 27, 1952, he married Helen Bos, a citizen of the United States, and they have a daughter who was born in April 1953, at Muskegon, Mich. Mr. Bos resides at Ressen By Nymegen, The Netherlands, and is employed as a salesman at a salary of 400 guilders per month. He has no other assets. The beneficiary has the equivalent of a high school education. His parents reside in The Netherlands.

The beneficiary entered the United States at New Orleans, La., on July 1, 1950, and was admitted as a seaman for a period of 29 days. He received no extensions of the period of his temporary admission, and on November 30, 1950, a warrant for his arrest was issued by this Service charging that he had remained in the United States for a longer period of time than permitted. He was found deportable on that charge, and a warrant for his deportation was issued. On December 27, 1951, the beneficiary was released from custody on parole for a period of 2 weeks to afford him an opportunity to dispose of his automobile and other property. He absconded, but was apprehended and deported to The Netherlands in June 1951.

Subsequent to his deportation from the United States, the beneficiary went to Canada, and on February 20, 1953, he was granted permission to reapply for admission to the United States after arrest and deportation. On April 29, 1953, the beneficiary was arrested at Sarnia, Ontario, Canada, and charged with two counts of obtaining money under false pretenses. The charges were withdrawn when he made restitution of $41.86 and paid court costs of $37.50. Mr. Bos was deported from Canada to The Netherlands on June 7, 1953, for having entered Canada without inspection.

The beneficiary was refused a visa by the American consulate at Rotterdam, The Netherlands, in 1953, apparently on the ground that he had been convicted of a crime involving moral turpitude. Mrs. Helen Bos has testified that in 1948 and 1949, the beneficiary was convicted in The Netherlands and served terms of imprisonment for obtaining money under false pretenses, embezzlement, and disregarding food ration regulations. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Helen Bos was born on November 29, 1925, at Grand Rapids, Mich. She resides with her daughter at 586 Shamrock Avenue, Grand Rapids, Mich., and is employed as an elementary school teacher by the Grand Rapids Board of Education. Her salary is $4,100 per year, and she has no

other assets. The parents of Mrs. Bos reside at Muskegon, Mich.

The Director of the Visa Office, Department of State, submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,
Washington, January 25, 1956.

The Honorable EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 12, 1956, requesting a report of the facts in the case of Marinus Everhardus Bos, the beneficiary of H. R. 8029 which was introduced by Mr. Ford on January 3, 1956. Mr. Bos is the husband of Mrs. Helen Bos, an American citizen residing at Muskegon, Mich.

The Department's files contain a report received from the Consul General at Rotterdam, Netherlands, under date of November 4, 1953, indicating that Mr. Bos was sentenced on May 18, 1948, for swindling, committed several times, and on June 17, 1949, for embezzlement and in the latter part of 1949 for willful violation of the distribution law of 1939. The sentences imposed included 1 year imprisonment, 6 months' imprisonment, and 1 year conditional imprisonment with 3 years' probation. Mr. Bos was accordingly considered ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act as a person who has been convicted of a crime involving moral turpitude.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

CRIMINAL RECORD

Name: M. E. Bos, Diepenborklaan 29, Apeldoorn, Netherlands.
Last name: Bos.
First name: Marinus Everhardus.
Name of parents: [Blank.]
Date of birth: January 3, 1922.
Place of birth: Apeldoorn.

No.	Date of court record	Name of court	Offense	Punishment
1	May 18, 1948	Utrecht	Obtaining money by false pretenses.	1 year in jail with time off for good behavior.
2	June 17, 1949	Zutphen	Embezzlement	6 months in jail with credit given for time already served.
3	Oct. 31, 1949	Gerechtshof's Hertogenbosch.	Violation of food rationing regulations.	1 month in jail and 3 years' probation.

JANUARY 5, 1955.

ZUTPHEN,
Clerk of the Court.

Mr. Ford, the author of H. R. 8029, submitted the following statement in support of his bill:

STATEMENT BY GERALD R. FORD, JR., MEMBER OF CONGRESS

Mrs. Helen Bos, wife of Marinus Everhardus Bos on whose behalf I introduced H. R. 8029, is a fine American citizen who as a teacher in the public schools of Michigan is making an outstanding contribution to the welfare of her State and Nation. Her supervisors, friends, and her pastor have only the highest regard for her work and her character.

It is our hope that she and her daughter will be reunited with the husband and father through favorable action on H. R. 8029.

I have a letter from n.v., L. A. Moll's a.t.i.m. of Nijegen, Holland, dated December 3, 1955, which states that Mr. M. E. Bos "has been employed in our company as a salesman for our motorcars, Studebaker-Hillman, DKW, Heunber, Sunbeam, etc., since July 12, 1954.

"During this period he has worked with enthusiasm for the interests of our company, and we have experienced that he is an honest and reliable person."

Mr. T. van den Dool, at one time provincial contact officer, Underground Forces for Military Government, Province of Gelderland, Netherlands, and at the date of the statement, March 31, 1954, the Vice Director, Personnel Social Affairs and Personal Care for Ministry of War, stated formally that Mr. Bos "has been employed by him as chauffeur from May 16, 1945, till January 31, 1946, and has rendered his services with full satisfaction."

Mr. J. Noteboom of Noteboom's Bakeries, of Utrecht, in a statement signed June 25, 1951, said:

"Undersigned J. Noteboom, head of the Noteboom Bakeries Ltd. concern at Utrecht, the Netherlands, declares that he, M. E. Bos, living at Apeldoorn, Diepenbrocklaan 29, has been busy as an underground worker during the 1940–45 war years. In the so-called hunger winter of 1944 Mr. M. E. Bos made himself very useful as an assistant in the food transports from the north. These transports, especially consisting of child foods, he has carried out in life danger oftentimes but without personal benefit from them. At that time Mr. Bos proved to be 100 percent Hollander and politically trustworthy."

Charlotte M. Budde—H. R. 8037, by Mr. Kilburn

The beneficiary is a 33-year-old native and citizen of Germany who is the fiance of a citizen of the United States, a serviceman who is presently stationed in Germany, where he resides with the beneficiary and their four children. The beneficiary has been found inadmissible to the United States because of the commission of a crime involving moral turpitude and because of an arrest for practicing prostitution.

The pertinent facts in this case are contained in a letter dated April 27, 1956, from the Commissioner of Immgiration and Naturalization to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 27, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8037) for the relief of Charlotte M. Budde, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, New York, office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude and aliens who are prostitutes or who have engaged in prostitution, and would authorize the alien's admission for permanent residence, if she is otherwise admissible under that act. It would also provide that these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHARLOTTE M. BUDDE, BENEFICIARY OF H. R. 8037

Information concerning this case was obtained from Sgt. Raymond Richard Cook, the interested party, by correspondence.

The beneficiary, Charlotte Magda Budde, nee Kochanek, who was born May 22, 1922, is a native and citizen of Germany. On December 26, 1941, she married Irwin Budde in Germany. No children were born of this marriage which was terminated by divorce granted to her on October 1, 1943. For the past 9 years she has cohabited with Raymond Richard Cook, a member of the United States Army. Four children, Jean, age 8; Raymond, age 6; Mabel, age 5; and Shirely, age 4, were born in Germany of this relationship with the births recorded in the beneficiary's maiden name. However, Mr. Cook admits paternity.

Charlotte Budde has never entered the United States and now resides with the 4 children at 25 Saarland Street, Karlsruhe, Knielingen, Germany. Their subsistence is wholly provided for by Mr. Cook. She attended public school in Germany but whether she possesses any special skills is unknown although it has been reported that she was employed for a period of time prior to 1948 as a dental assistant in a United States Army hospital.

It has been stated by Mr. Cook that the beneficiary was refused an immigrant visa by the American consul, Frankfort, Germany, on the grounds she was arrested for a morals

offense in 1952 and theft in 1954. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Sergeant Cook was born on July 2, 1919, at Hermon, N. Y. He married Myrtle Hamilton in 1941. A divorce terminating this marriage was granted him on March 19, 1946. In April 1946 he married Florence Lakins. This marriage was terminated through an annulment secured on June 23, 1948, by Mrs. Cook on the ground his divorce was not final at the time of their marriage. No children were born of these marriages.

He has been a member of the United States Army since May 22, 1942, and since November 1942, with the exception of three short periods during which he returned to the United States on reenlistment furloughs, has been stationed overseas. Sergeant Cook's present address is D Battery, 73d AAA A. W. Bn. (SP), APO 164, care of Postmaster, New York, N. Y. His monthly pay amounts to about $217.

Mr. Kilburn, the author of H. R. 8037, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

H. R. 8037 FOR THE RELIEF OF CHARLOTTE M. BUDDE

The bill was introduced at request of Sgt. Raymond Richard Cook, a resident of my congressional district, who has been a member of the United States Army since May 22, 1942. He has cohabited with Miss Budde for 9 years. Four children were born of this relationship. Subsistence of woman and four children wholly provided by Sergeant Cook according to Immigration report and his own statement.

The committee has been furnished with affidavit concerning her court record by Miss Budde. Also the committee has the reports of the State and Immigration Departments.

The woman was denied visa because of conviction.

In view of fact that Sergeant Cook has been living with woman for 9 years and supporting her and the 4 children to which he admits paternity, it seems that the committee should take favorable action. Sergeant Cook is to be ordered back to the United States in November of this year.

Mr. Kilburn also submitted the following affidavit made by the beneficiary of this bill:

[Translation (German)]

JURISDICTION OF DISTRICT COURT OF KARLSRUHE

NOTARIAL BUREAU: KARLSRUHE II

LOCATION: KARLSRUHE

File No. 2 H 960/55

PUBLIC DOCUMENT IN RE AFFIDAVIT RENDERED UNDER OATH BY MRS. CHARLOTTE BUDDE, NEE KOCHANEK, DIVORCED, RESIDING AT SAARLANDSTRASSE 25, KARLSRUHE, YEAR 1955

Executed at Karlsruhe, on July 5, 1955, in the offices of the Notarial Bureau of Karlsruhe II.

Present: Ober-Justizrat Dr. Franz Ripfel, of Karlsruhe, as notary; also present, and unreservedly in full possession of her faculities and adequately identified by her personal identity card, Mrs. Charlotte Budde, née Kochanek, divorced, residing at Saarlandstrasse 25 Karlsruhe.

For the purpose of this public document, the present party hereby states under oath:

"When I committed the punishable act in 1944, I was [employed as] nurse's aide at an armed forces hospital at Hameln, drawing a monthly salary of 80.00 RM in addition to free room and board. I have never been a Red Cross Nurse, nor have I been a member of the NSDAP. In that hospital I met three other nurse's aides who, however, were older than myself. Since I had no family, I became friendly with those girls; today I remember only their first names. My three coworkers, Hildegard, Inge, and Vera, procured, in a manner unknown to me, Red Cross nurses' uniforms and also procured such a uniform for me. All of us together quit our work at Hameln and somehow got through to the East. At that time and clad in the above uniform, I started committing the punishable acts with which I have been charged.

As to the three cases of fraud, I procured clothing and other things for myself with the intent to defraud. I am unable to state at this time how much those things were worth. The cases of theft, or larceny, involve [in one case] the stealing of a grey uniform, and in the other case, the stealing of underwear. The value of the stolen articles may be about 80.00 RM. The case of fraud concerns a suitcase containing bed linens worth about 60.00 RM, which had been entrusted to me by friends. We jointly disposed of the suitcase with the linens in order to get our hands on some money. When I committed those punishable acts, lacking other clothing, I was clad in the nurse's uniform. Particular stress was laid on the fact of my wearing the nurse's uniform. When I once appeared in the stolen grey uniform, to which I had affixed an "Iron Cross, Second Class," in a bar at Bilitz, I was immediately arrested by a detective. I don't know what happened to the other three girls. All I know is that they were also arrested. I never saw them again.

Upon termination of its investigation, the Landgericht at Bilitz, Upper Silesia, sentenced me to 3 years at hard labor and 3 years loss of civil rights. I had no defense attorney and, so far as I knew, there was no possibility of appealing the sentence. Subsequent to

conviction I was committed to the House of Correction at Cottbus where I was to serve my sentence. I had to work there in a factory, on an official labor detail. When the Russians were at about 2 kilometers' distance from Cottbus, we were given our civilian clothes and released by the administration of the House of Correction. I fled into the American zone, to Marburg-on-the-Lahn, and immediately found a job. I knew nothing about the modification of my sentence nor about the repeal of the loss of my civil rights. I served about 6 months of the sentence to hard labor which had been pronounced against me. The punishable acts committee by me were [due] to [my] inexperience and shiftlessness because of the loss of my family. It was easy for my coworkers, who were older and more experienced, to trap me into committing actions the consequences of which I did not realize. Since my sentence of 1944, I have never committed another punishable act.

"Instructed concerning the significance of rendering a declaration under oath and as to the legal consequences of making false statements under oath, I hereby testify under oath that I know of nothing that might refute the truth of the above statements.

"I request four copies of this statement."

Recorded, and after having been read, approved and signed by the present party as follows:

(signed) CHARLOTTE BUDDE, (nee Kochanek).
(signed) Dr. RIPFEL.

The above copy is a true copy of the original in the official files.

Issued to Mrs. Charlotte Budde, nee Kochanek, Karlsruhe-Knielingen. Karlsruhe, July 4, 1955. Notarial Bureau, Karlsruhe II. Ober-Justizrat (signed) Dr. Ripfel, as Notary.

[duly sealed]

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 621) should be enacted.

○

Calendar No. 2475

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2441

WAIVING CERTAIN SUBSECTIONS OF SECTION 212 (a) OF THE IMMIGRATION AND NATIONALITY ACT IN BEHALF OF CERTAIN ALIENS

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 626]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 626) to waive certain subsections of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, having considered the same, reports favorably thereon without amendment and recommends that the joint resolution do pass.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution is to waive certain excluding provisions of existing law in behalf of 7 aliens, 6 of whom are the spouses of United States citizens or lawfully resident aliens. The remaining beneficiary is the son of a United States citizen.

STATEMENT OF FACTS

The following facts in each case included in the joint resolution were contained in House Report 2219 (84th Cong., 2d sess.):

Mrs. Barbara Mary Atkins—H. R. 8523, by Mr. Polk

The beneficiary is a native and citizen of Great Britain, who resides in Germany with her husband, a United States citizen serviceman. She has been found ineligible to receive a visa to the United States because of an affliction with epilepsy.

The pertinent facts in this case are contained in a letter dated May 11, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., May 11, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8523) for the relief of Mrs. Barbara Mary Atkins, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cincinnati, Ohio, office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States, aliens who are afflicted with psychopathic personality, epilepsy, or a mental defect, and would authorize her admission for permanent residence, if she is found to be otherwise admissible. The bill further provides that a suitable bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. BARBARA MARY ATKINS, BENEFICIARY OF H. R. 8523

Information concerning this case has been obtained from the beneficiary's husband, A1c Floyd Lee Atkins, and from Airman Atkins' parents, Mr. and Mrs. Elmer Atkins.

The beneficiary, Mrs. Barbara Mary Atkins, a native of England and a citizen of Great Britain, was born on July 22, 1934. She married Floyd Lee Atkins, a citizens of the United States, on September 11, 1954. Mrs. Atkins expects the birth of her first child in May. She resides with her husband at 39 Landstuhl Street, Ramstein, Germany, where her husband is on duty with the United States Air Force.

Mrs. Atkins is unemployed and is dependent upon her husband for support. She has the equivalent of a high-school education. Her parents reside in England. According to her husband, the beneficiary was refused a visa by the United States consul in Frankfort, Germany, during January 1956 apparently because she was afflicted with epilepsy. The committee may desire to request the Bureau of Security and Consular Affairs to secure information in this connection.

A1c Floyd Lee Atkins was born on September 16, 1929, at Union Township, Ohio. He enlisted in the United States Air Force in February 1952 and expects to receive his discharge this year. He has indicated that he will accept civilian employment with the Air Force in Germany in order to remain with his wife.

Mr. Polk appeared before a subcommittee of the Committee on the Judiciary and recommended the favorable consideration of his measure.

Mr. Polk also submitted the following letters in support of this legislation:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 10, 1956.

Hon. EMANUEL CELLER,
Chairman, House Committee on the Judiciary,
Washington, D. C.

DEAR MR. CELLER: Reference is made to my letter of January 18 in which I requested expeditious action be taken on my private bill, H. R. 8523, for the relief of Mrs. Barbara Mary Atkins.

I am informed now by Mrs. Atkins' husband, A1c Floyd L. Atkins, service No. 15468344, 86th OPS Sev. Sec. s9, HQ Sec. Sq. Box 10, APO 65, c/o PM, New York, N. Y., that he is expected to be reassigned to the United States in June of this year. Since the time is growing very short and I am anxious to prevent the separation of this family, I would very much appreciate it if the committee could use the communication signed by Mr. John H. Burns, American consul general at Frankfort, Germany, in lieu of a departmental report.

Your cooperation in this matter will be appreciated.

Sincerely yours,

JAMES G. POLK.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 18, 1956.

Hon. EMANUEL CELLER,
Chairman, House Committee on the Judiciary,
346 House Office Building, Washington, D. C.

DEAR MR. CELLER: On January 17, 1956, I filed a private bill, H. R. 8523, (copy enclosed) in behalf of Mrs. Barbara Mary Atkins, nee Mairs, now residing in Germany.

Mrs. Atkins is the wife of A1c Floyd L. Atkins of Route No. 1, Box 464, Portsmouth, Ohio, service No. 15468344, whose present address is 86th OPS Sev. Sec. S9, HQ Sec. Sq. Box 10, APO 65, c/o PM, New York, N. Y.

Mr. and Mrs. Atkins were married in England and her original application for a visa was filed at the American consulate in Liverpool. Her records were later forwarded to the American consulate general in Frankfort, Germany, and I enclose herewith a report I have received on her case from the American consul general in Frankfort.

I would like to quote a part of a letter I have received from Mr. Atkins.

"We got married by the Air Force regulations as they said if we did we would not have any trouble in getting a visa when the time came to go home, as she would have passed all the requirements for a visa before the Air Force would O. K. the marriage. Well, she passed all the Air Force requirements, but then when we put in for a visa they wanted to know if she had had epilepsy, or anything like that,

and she said that she had. They said that they could not give her a visa."

In view of the above I feel that this is a case which deserves every possible consideration. Mr. Atkins has had his tour of duty in Germany extended to June of 1956 in the hope that private legislation could be enacted to make it possible for his wife to accompany him when he returns to the United States at that time.

May I respectfully request a report by your committee on Mrs. Atkins' case.

Thanking you for your consideration,

Sincerely yours,

JAMES G. POLK.

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Frankfort on the Main, Germany, January 6, 1956.

Hon. JAMES G. POLK,
House of Representatives.

DEAR CONGRESSMAN POLK: Your letter of December 14, 1955, to the American consulate in Liverpool regarding the immigrant visa application of Mrs. Barbara Mary Atkins has been referred here as Mrs. Atkins is now a resident of this consular district. Her dossier was forwarded from Liverpool on December 16, 1955.

In examining her dossier, I find that she was issued a class A medical certificate at Liverpool on September 23, 1955, because she was found to have a medical disability which is excludable under section 212 (a) (4) of the Immigration and Nationality Act.

In view of Mrs. Atkins' present inadmissibility, I feel that the only solution to this problem lies in the introduction of private legislation which you mentioned in your letter.

Your interest in Mrs. Atkins' application is appreciated, and I want you to know that in reaching a decision with regard to her inadmissibility, she has been accorded every consideration consistent with the existing immigration law and regulations.

Sincerely yours,

JOHN H. BURNS,
American Consul General.

Lieselotte Toomey—H. R. 6194, by Mr. Scott

The beneficiary is a 25-year-old native and citizen of Germany who is the wife of a United States citizen, a former serviceman. Their child, also a citizen of the United States, resides in this country with his father. The beneficiary has been found inadmissible because of the commission of a crime involving moral turpitude.

The pertinent facts in this case are contained in a letter dated November 3, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

NOVEMBER 3, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6194) for the relief of Lieselotte Toomey, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (9) of the Immigration and Nationality Act, which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude and would permit the beneficiary to enter the United States for permanent residence, if she is found to be otherwise admissible under the provisions of that act. The bill further provides that this exception shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LIESELOTTE TOOMEY, BENEFICIARY OF H. R. 6194

The beneficiary was born in Munich, Germany, on April 26, 1930. She now resides in Boeblingen, Germany. She married Francis Joseph Toomey on January 9, 1954, in Munich, Germany. They have one child born on October 6, 1951, in Lindlefingen, Germany.

The beneficiary has a grammar school education. She was employed as a seamstress for a short period prior to her marriage. She is not now employed and is being supported by her husband. The beneficiary was arrested as a runaway child in 1948 and placed in a reform school. She ran away from this school and when apprehended used her sister's name. She was then charged with simple forgery and sentenced to 4 or 5 months in prison. Her mother, 1 brother and 2 sisters live in Germany. She has no relatives other than her husband in the United States.

Francis Joseph Toomey, the beneficiary's husband, was born in Philadelphia, Pa., on March 14, 1924. He attended high school for 3½ years. He served in the United States Army from January 1943 to December 1945 and from July 1948 to June 1953, when he was honorably discharged. He attained the rank of sergeant, first class. He is now employed as a warehouseman at a salary of $80 per week. His assets are valued at $400. He resides in Philadelphia, Pa., with his mother and his child.

The committee may wish to communicate with the Bureau of Security and Consular Affairs of the Department of State for additional information concerning the beneficiary.

90008°—57 S. Rept., 84-2, vol. 8——30

The Director of the Visa Office, Department of State, submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,
Washington, June 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 24, 1955 and its enclosures, wherein you requested a report of the facts in the case of Mrs. Lieselotte Toomey, beneficiary of H. R. 6194, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Munich, Germany, states that Mrs. Toomey's penal record shows that she was convicted on October 2, 1948, by the county court for Munich for falsification of documents using a wrong name, and evasion from prison, in accordance with the provisions of section 267 of the German Criminal Code. The offenses described in section 267 are referred to as simple forgery. A copy of the record of conviction in this case is enclosed for the use of the committee. On the basis of this conviction Mrs. Toomey was considered ineligible to receive a visa under the provisions of section 212 (a) (9) of the Immigration and Nationality Act.

As the offense of forgery is defined in section 1401 of the Criminal Code of the District of Columbia as a felony, Mrs. Toomey is unable to qualify for the benefits contained in section 4 of Public Law 770.

At this time the Department has no knowledge of any factor in Mrs. Toomey's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

[Translation of certified copy]

Ds 100/48 jug. Valid in law after April 1, 1948
MUNICH, *April 2, 1948.*

s./Wuest, inspector of justice, as registrar

The county court, Munich, juvenile court, pronounces in the juvenile delinquency proceedings against Hilz, Liselotte, because of escaping out of a reformatory during the session in camera on March 25, 1948, at which took part:

1. AGR (title) Loschge as juvenile judge;
2. Public Prosecutor Dr. Thomas as prosecutor;
3. Employee of Justice Raab as acting registrar.

In the name of the law, the following judgment:

Hilz, Liselotte, born April 26, 1930, in Ottobrunn, daughter of Hilz, Josef and Maria, nee Dillkofer, Munich, Franz Josef Str. 14/I, reformatory pupil—XII 410/47—and dressmaker's apprentice, under detention since February 17, 1948 is convicted of 2 offenses according to Law No. 55 and 1 offense of using a false name and is therefore sentenced to 4 months' juvenile imprisonment and to payment of the costs of the proceedings. One month spent under detention is to be deducted from the penalty. Warrant for arrest is issued.

Held, the defendant who was transferred to a reformatory on May 7, 1947, escaped from the reformatory on August 12, 1947, and from the transport from the reformatory to the hospital on September 29, 1947. She admits this and allegedly was with her mother most of the time whom she helped with her work as a janitor. However, she finally left her mother and stayed with an aunt and then with her friend Friedemann Schreyer, who is the son of the tenant of a brewery inn. When she was apprehended she called herself Maria Hilz, born January 31, 1929, to avoid being returned to the reformatory.

The defendant has already been previously convicted of larceny by the juvenile court Munich on June 24, 1947, and was sentenced to 4 weeks juvenile arrest. She is mature according to section 3, juvenile court law, and was therefore to be sentenced for the offenses with which she is charged today according to law No. 55 and for violation of section 360, No. 8, German Criminal Code.

In spite of the trouble that was taken to bring up the defendant she is a rather indifferent and superficial girl who would rather roam about and lead a wanton life than do regular work. These harmful inclinations called for a penalty of juvenile arrest, with regard to the stubborn escaping and the fruitlessness of the past education in a reformatory 4 months imprisonment was imposed—section 5 juvenile court law.

Deduction of the time spent under detention according to section 60, German Criminal Code. Costs according to section 38, juvenile court law.

LOSCHGE, *Juvenile Judge.*

This is a true copy of the original.

BAUR,
Employee of Justice Acting Registrar.

[ROUND SEAL]

Bavarian County Court, Munich.

I, Johanna von Ungelter, being duly sworn declare that I well and truly know the German and English languages and that the foregoing is a true and correct translation of a certified copy of the judgment.

JOHANNA VON UNGELTER.

FEDERAL REPUBLIC OF GERMANY,
LAND BAVARIA, CITY OF MUNICH,
Consulate General of the United States of America, ss:

Subscribed and sworn to before me this 5th day of August 1954.

[SEAL] THOMAS A. DEHART,
American Vice Consul.

[Translation of certified copy]

File No. 2 Ds 1661/48,
8 Js 4150/48.

Valid in law, Munich, October 13, 1948.
Chief of the Court Office,
s./Heinz,
Inspector of Justice.

Protocol of the hearing at the County Court Munich Summary Court on Tuesday, October 2, 1948

Present:

1. L. G. Dir. (title) Leonhard as presideng judge;
2. Public Prosecutor Dr. Schadler as official of the Public Prosecutor's Office;
3. Employee of Justice Dietz as registrar.

The follc wing person was led out from arrest and appeared: Hilz Lieselotte.

She was questioned as to her personal background and declared that the facts were correct as taken down in the files. The representative of the public prosecutor's office made the following charges orally:

1. Hilz, German national, escaped from the reformatory Thalkirchen in September 1948 where she had been placed by the guardianship court.

2. She used a false name when she was apprehended by the police and made out a false document with the intention of deceiving in legal matters, by signing the police report with a false name, "Maria Hilz".

(1) Offense of escaping according to Law No. 55/I, dated October 28, 1946.

(2) Offense of falsification of documents according to section 267 German Criminal Code in coincidence with an offense of giving a false name according to section 360/I, No. 8, German Criminal Code, section 74, German Criminal Code.

The defendant was asked whether she had anything to say with regard to the charges. She declared: "I admit the facts of the case."

The representative of the public prosecutor's office asked for a penalty of 3 months' imprisonment for falsification of documents and using a false name, and 4 months' imprisonment for escaping. The total penalty reduced to a cumulative penalty of 6 months' imprisonment and warrant for arrest.

The defendant pleaded for a lighter punishment.

The defendant had the last word.

I, Johanna von Ungelter, being duly sworn, declare that I well and truly know the German and English languages and that the foregoing is a true and correct translation of a certified copy of the protocol.

JOHANNA VON UNGELTER.

FEDERAL REPUBLIC OF GERMANY, LAND BAVARIA, CITY OF MUNICH,
Consulate General of the United States of America, ss:

Subscribed and sworn to before me this 5th day of August 1954.

[SEAL]

THOMAS A. DEHART,
American Vice Consul

BAVARIAN LAW NO. 55/I

(Only one paragraph)

A prisoner who escapes from prison or from the custody of the person to whom he was entrusted for supervision, escort or to be guarded, shall be punished with a prison term of not less than 3 months.

Whoever escapes from another other detention imposed by an official authority, especially from a reformatory, a work camp, or a welfare home, or similar institution, will be punished by imprisonment.

Section 267 German criminal code—Simple forgery: Whoever with an unlawful intention falsely alters or falsely prepares a German or foreign public document or private document which purports to evidence a right or legal relationship, and makes use of the same with intent to deceive, shall be punished for forgery by imprisonment.

Section 360, No. 8 German Criminal Code: A fine up to RM150 or custody shall be imposed upon: (8) Whoever gives erroneous information or refuses to give information to a competent public authority, or to a competent official concerning his name, civil status, profession, trade, residence, place of dwelling, or nationality;

Section 74 German criminal code: Whoever by several separate acts committed several major or minor crimes or committed the same major or minor crime several times, and thereby incurred several terms of confinement shall be sentenced to one cumulative punishment (gesamtstrafe) which consists of an augmentation of the heaviest punishment incurred.

If various forms of confinement are involved, the severest form is to be selected and punishment shall be imposed in this form with increased duration.

The duration of the cumulative punishment must not reach the sum total of the individual punishments incurred and must not exceed confinement in a penitentiary for 15 years, imprisonment for 10 years and confinement in a fortress for 15 years.

FEDERAL REPUBLIC OF GERMANY, LAND BAVARIA, CITY OF MUNICH,
Consulate General of the United States of America, ss:

I, Thomas A. DeHart, a vice consul of the United States of America at Munich, Germany, duly commissioned and qualified, do hereby certify that the foregoing copy of Bavarian Law No. 55/I, German Criminal Code, sections 267, 360, and 74 is a true and faithful photostatic copy of the original this day exhibited to me the same having been carefully examined and compared with the said original and found to agree therewith word for word and figure for figure.

In witness whereof I have hereunto set my hand and official seal this 5th day of August A. D. 1954.

THOMAS A. DEHART, *American Vice Consul.*

Service No. 4584. Tariff Item 38. No fee prescribed.

Reading out the clausula and stating the reasons the presiding judge pronounced the following sentence in the name of the law:

Hilz, Lieselotte, born April 26, 1930, in Ottobrunn, single, dressmaker, German national, presently under arrest with the police, is

guilty of an offense of falsification of documents according to section 267, German criminal code in coincidence with an offense of using a false name according to section 360/I No. 8 German criminal code in connection with a repeated offense of escaping according to the Bavarian Law No. 55/I dated October 28, 1946, section 74 German criminal code and is therefore sentenced to a cumulative penalty of 5 months imprisonment and payment of the costs of the proceedings.

Held: The defendant fully admits the facts of the case as set down in the bill of indictment. She was therefore to be sentenced on the basis of the sections of the law as set down in the judgment. The defendant was aware that her actions were illegal in each mentioned instance. The court finds a penalty of 6 weeks imprisonment for an offense of falsification of documents in coincidence with an offense of using a false name an appropriate penalty, however for the offense of escaping, as the defendant had already been pertinently severely punished a penalty of 4 months imprisonment was pronounced. Cumulative penalty according to section 74 German criminal code 5 months imprisonment. Mitigating circumstances: Confession and youth of the defendant. Aggravating circumstances: the defendant's previous convictions.

Costs, sections 464 following criminal court proceedings.

Decision: A warrant for arrest is issued for the defendant, because there is the danger that she might escape.

Hearing open to the public: The defendant and the representative desist from use of legal measures. Order of acceptance given out. The presiding judge of the Summary Court Munich.

(S) Dr. LEONHARD,
Landgerichtsdirektor (title).

The acting registrar:

(S) DIETZ, *Employee of justice.*

Munich, June 8, 1954.
For certification:

(S) FISCHER,
Inspector of Justice
as Registrar of the Court.

I, Johanna von Ungelter, being duly sworn, declare that I well and truly know the German and English languages and that the foregoing is a true and correct translation of a certified copy of the judgment.

JOHANNA VON UNGELTER.

[ROUND SEAL] BAVARIAN COUNTY COURT MUNICH.

Sworn to before me this 5th day of August 1954.

THOMAS A. DELFART,
American Vice Consul.

Service No. 4585, Tariff Item 38, no fee prescribed.

Agada Fedele Turowski—H. R. 8028, by Mr. Ford

The beneficiary is a 34-year-old native of Italy who is the wife of a lawfully resident alien in the United States. She has been found inadmissible to the United States because of the commission of a crime involving moral turpitude, in Italy in 1947, for which she was sentenced, in absentia, to serve 3 years and 1 month imprisonment.

Certain pertinent facts in this case are contained in a letter dated March 5, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., March 5, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8028) for the relief of Agada Fedele Turowski, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, and authorize the issurance of an immigrant visa to the beneficiary if she is found to be otherwise admissible. It further provides that this waiver shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE AGADA FEDELE TUROWSKI, BENEFICIARY OF H. R. 8028

Information concerning this case was obtained from Mr. Stanislaw Turowski, husband of the beneficiary.

Agada Fedele Turowski, a native and citizen of Italy, was born in April 1922. Since 1947, she has been married to Stanislaw Turowski, and they have one child, a daughter, who was born in Argentina on January 28, 1948. The beneficiary resides with her daughter at Catamarco 2443 Partido 4, de Junio, Buenos Aires, Argentina. She is unemployed and is dependent upon her husband for support. Mrs. Turowski has an elementary school education. Her parents reside in Italy, and she has two sisters who reside in Argentina.

The beneficiary resided in Italy until 1947 when she went to Argentina with her husband. Mrs. Turowski was refused a visa by the American consul at Buenos Aires, Argentina, on August 3, 1953, apparently on the ground that she had been convicted of a crime involving moral turpitude. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Mr. Stanislaw Turowski, a native and citizen of Poland, was admitted to the United States for permanent residence on December 2, 1954. He resides at 1423 Pine Street, Grand Rapids, Mich., and is employed as a laborer by the Grand Rapids Metalcrafts Co., Grand Rapids, Mich. His assets consist of cash savings of approximately $700. Mr. Turowski resided in Italy from 1945 until 1947, when he went to Argentina with his wife.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, January 27, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 12, 1956 requesting a report of the facts in the case of Agada Fedele Turowski, the beneficiary of H. R. 8028 which was introduced by Mr. Ford on January 3, 1956.

The Department's files contain a report dated October 6, 1955 from the Embassy at Buenos Aires indicating that Mrs. Turowski was convicted by the Court of Appeals of the Province of Lecce, Italy, on June 6, 1950 of grand larceny and sentenced to imprisonment for 3 years and 1 month. Accordingly Mrs. Turowski was a refused a visa as a person ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Ford appeared before a subcommittee of the Committee on the Judiciary and recommended the favorable consideration of his bill.

Mr. Ford also submitted the following letter in support of this legislation:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 2, 1956.

Re H. R. 8028.

Hon. EMANUEL CELLER,
Chairman, House Committee on the Judiciary,
Washington 25, D. C.

DEAR MR. CHAIRMAN: I have a copy of the report which you received from Mr. Rolland Welch, Director of the Visa Office, in reference to Mrs. Agada Fedele Turowski, the beneficiary of H. R. 8028.

This report neglects to say that my office has received a penal certificate issued by the Court of Lecce, Italy, which states that Mrs. Turowski has been pardoned by that court. The certificate was sent to the American consul at Buenos Aires on September 30, 1955.

We have been informed by Mr. Welch that such a decree of rehabilitation is not recognized by the appropriate authorities of this Government as removing the previously convicted person from a class of aliens excludable from admission into the United States.

The husband of Mrs. Turowski alleges that she was falsely accused of stealing money, and was given a prison sentence, but that within a day or so after the prison sentence was passed, the real culprit confessed and Mrs. Turowski was vindicated.

Because of these circumstances, some proved and some alleged, I introduced H. R. 8028 for the relief of Mrs. Turowski.

I am also suggesting to Mr. Turowski, a resident of my congressional district, that he have his wife's case appealed to a court of higher jurisdiction in order to obtain a reversal of the lower court's decision on the grounds that she was wrongfully convicted.

I will appreciate any consideration you may give to H. R. 8028.

Sincerely,

GERALD R. FORD, Jr.,
Member of Congress.

Mrs. Annunziata Spatt—H. R. 7003, by Mr. Kluczynski

The beneficiary is a 23-year-old native and citizen of Italy who is the wife of a United States citizen serviceman. She has been found ineligible to receive a visa to the United States on the ground that she has engaged in prostitution.

The pertinent facts in this case are contained in a letter dated February 24, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., February 24, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7003) for the relief of Mrs. Annunziata Spatt, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from Immigration and Naturalization Service files relating to the beneficiary by the Providence, R. I., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or admit committing acts which constitute the essential elements of such a crime, or who are prostitutes or who have engaged in prostitution, and would authorize the alien's admission for permanent residence if she is found otherwise admissible under such act. It would further provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. ANNUNZIATA SPATT, BENEFICIARY OF H. R. 7003

Information concerning the case was furnished by Frank Ronald Spatt, the beneficiary's husband, who is a United States citizen, and whose home address is 5315 South Natoma Street, Chicago, Ill.

Mrs. Annunziata Spatt nee Stinca, a native and citizen of Italy, was born on July 10, 1932 at Bagnoli, Province of Naples. She resides at Largo Basta, R. Chiaia 82 Prezzo, Vedova Giacoba, Naples, Italy. She was married to Frank Ronald Spatt at Naples, Italy, on March 31, 1954. Their 2 children, George, age 3 years and Ronald, age 2 years, were born in Italy. The children became United States citizens through legitimation by the marriage of their parents and are now residing at 5315 South Natoma Street, Chicago, Ill., with their paternal grandparents. The beneficiary attended school in Naples, Italy, but the extent of her education is unknown to this Service. She has since August 1954, been employed as a cashier in the United States Navy Exchange, Naples, Italy, at a salary of about $40 a month. In addition to her salary, Mrs. Spatt receives $160 a month as a naval allotment, part of which is paid by the United States Government and part of which is from her husband's naval pay. She has never been in the United States. Her parents are deceased. Five brothers and two sisters reside in Italy. Other than her husband and children she has no near relatives residing in this country.

Mr. Spatt stated that a visa petition which he executed for the issuance of a nonquota visa for the beneficiary had been approved but that the visa was refused her at the United States consul at Naples in 1954 on grounds of conviction for an offense involving moral turpitude.

Frank Ronald Spatt, a native citizen of the United States, was born in Chicago, Ill., on November 15, 1932. He attended public school through grade XI. He enlisted in the United States Navy on August 31, 1951, and thereafter was stationed in Italy after receiving boot training. During the time he was stationed in Italy, he met the beneficiary. Mr. Spatt was honorably discharged in 1953 and reenlisted for a period which will expire in February 1959. He has the rating of commissary man, 2d class and earns $184 per month plus $100 dependent's allotment. His only assets are $250 in United States bonds. Prior to his Navy service he was employed for about 2 years as a seaman on vessels in the Great Lakes and as a sheet-metal worker in Chicago.

Frank Ronald Spatt is the person primarily interested in the bill.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, November 14, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of July 18, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Annunziata Spatt, beneficiary of H. R. 7003, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Naples, Italy, states that the alien is ineligible to receive a visa under section 212 (a) (12) of the Immigration and Nationality Act. Since the information contained in the report is of a very delicate nature, it is not believed that the committee would desire it in a written form. However, I shall be pleased to make the contents of the Department's report available to your committee in executive session at such time as you may desire.

At this time the Department has no knowledge of any factor in Mrs. Spatt's case, other than the information cited above, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Celso Telle—H. R. 4546, by Mr. Rodino

The beneficiary is a 27-year-old native of Spain who is the husband of a United States citizen. They have one child, also a citizen of the United States, who resides in this country with the beneficiary's wife. He entered the United States in transit from Spain to Cuba at which time he presented a passport fraudulently obtained in the name of another person. He was subsequently granted voluntary departure and presently resides in Mexico.

The pertinent facts in this case are contained in a letter dated July 20, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 20, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4546) for the relief of Celso Telle, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the excluding provisions of section 212 (a) (19) of the Immigration and Nationality Act which

exclude from the United States any alien who has procured a visa or other documentation by fraud, and would provide that he be admitted to the United States for permanent residence if he is found to be otherwise admissible to the United States under that act. The bill would further provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CELSO TELLE, BENEFICIARY OF H. R. 4546

The beneficiary, who is also known as Silvestre Napoleon Ramos-Canizal or Cannizal and as Silvestre Napoleon Rodriquez, was born on September 17, 1928, in Orense, Spain. He was last admitted to the United States on May 23, 1948, at New York, N. Y., in transit to Cuba. He gained admission at that time under the name of Silvestre Napoleon Ramos-Canizal, a citizen of the Republic of Cuba, who was born on December 5, 1928, in Punte Alegre, Province of Camaguey, Cuba. He presented a Cuban passport issued to him in that name by the Cuban consul at Lisbon, Portugal. He failed to comply with the conditions of this temporary admission and deportation proceedings were instituted against him under the name of Silvestre Napoleon Ramos-Canizal, the name he continued to use. An order of deportation was entered against him and in connection with his appeal to the Board of Immigration Appeals from that order he submitted an affidavit under the name of Celso Telle also known as Silvestre Napoleon Ramos-Canizal. In that affidavit he stated that he was born in Miranzo, Province of Orense, Spain, on September 17, 1928, and that the Cuban passport he presented at the time of his admission to the United States was obtained by the use of the birth certificate of Silvestre Napoleon Ramos-Canizal, furnished to him by his uncle. On January 8, 1954, the Board of Immigration Appeals ordered the withdrawal of the order of deportation and granted him the privilege of voluntary departure. Pursuant to that order he departed from the United States on January 20, 1954, and is now living in Juarez, Mexico.

Mr. Telle married Elena Carro, a native-born citizen of the United States, on December 20, 1952, and a child was born of that marriage on October 18, 1954. Mrs. Telle and her child live in Newark, N. J., where she is employed as a tube tester by the Radio Corporation of America.

Mr. Telle has a grammar school education, is a carpenter by trade, and during his stay in the United States he was employed as a carpenter and as a cement finisher. His parents and a sister live in his birthplace in Spain and his only other relative in this country is an uncle who was last reported to be living in Pennsylvania.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below:

DEPARTMENT OF STATE,
Washington, April 8, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 11, 1955, and its enclosures, wherein you requested a report of the facts in the case of Celso Telle, beneficiary of H. R. 4546, 84th Congress, 1st session.

According to information contained in the Department's files the American consular officer at Ciudad Juarez, Mexico, found Mr. Telle to be ineligible to receive a visa under the provisions of section 212 (a) (19) of the Immigration and Nationality Act. The record shows that the consular officer's finding was predicated on the fact that on May 20, 1948, Mr. Telle obtained a transit visa at the American Embassy at Lisbon, Portugal, by pretending to be Silvestre Napoleon Ramos Canizal, and by presenting a fraudulent Cuban birth certificate and a Cuban passport in the name of the latter individual.

Inasmuch as aliens who have procured visas by fraud, or by willfully misrepresenting a material fact are ineligible to receive visas, the American consular officer concerned had no choice other than to reach the decision referred to above.

At this time the Department has no knowledge of any factor in Mr. Telle's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mr. Telle from receiving a visa.

Sincerely yours,

ROLLAND WELCH.
Director, Visa Office.

Mr. Rodino submitted the following letters in support of his bill:

NATIONAL CATHOLIC WELFARE CONFERENCE,
Washington 5, D. C., February 25, 1955.

Hon. PETER W. RODINO, Jr., M. C.,
House Office Building,
The Capitol, Washington, D. C.

DEAR CONGRESSMAN RODINO: Some time ago, Mr. Bendit contacted us for an opinion as to whether or not we felt it advisable that a private bill be introduced in behalf of a Mr. Celso Telle, a native of Spain, who was admitted here in 1948 in transit to Cuba and who ran into difficulty with the immigration authorities by continuing to remain in the United States. On December 20, 1952, he married an American citizen and a child has since been born to the couple at the address, 78 Ferry Street, Newark, N. J.

A nonquota status was approved for Celso Telle and he was given voluntary departure, having left for Juarez, Mexico, on January 20, 1954, with the hope of obtaining his nonquota visa. The visa was refused because of the fact that, Mr. Telle having been openly anti-Franco while residing in Spain and expecting soon to be called for

military service, fled to Portugal and fraudulently obtained a Cuban passport (claiming birth in Cuba) as a means of avoiding being taken into the Spanish Army.

In our efforts to help the young man, we argued with our Department of State that a material fact was not involved and that Mr. Telle would have been just as eligible to obtain a U. S. transit visa to Cuba on a Spanish passport as well as the Cuban one that he had fraudulently used.

We were not successful, as the State Department contends that presenting a travel document in the name and nationality of another person prevents them from making an investigation at his former residence or elsewhere.

We were similarly unsuccessful in requesting that Mr. Telle be considered as a refugee and therefore exempt from the charge of misrepresentation. This was based on the ground that he feared being repatriated to his former homeland as the facts in his case had been so definitely exposed.

As a result, the non-quota visa has been refused him by the American Consul at Juarez and it would thus seem that only through passage of a private bill in Congress can this gentleman be reunited with his American-citizen wife and child in New Jersey. We feel that this case does merit the introduction of private legislation.

Grateful for the opportunity of reviewing the file and presenting the facts as noted above, I remain, with every good wish,

Very respectfully yours,

BRUCE M. MOHLER,
Director, Department of Immigration.

DEPARTMENT OF STATE,
Washington, July 19, 1954.

Hon. PETER W. RODINO, Jr.,
House of Representatives.

DEAR MR. RODINO: I refer to your letter of June 11, 1954, transmitting a communication dated June 3 from Mr. I. Arthur Levy, counselor at law, 744 Broad Street, Newark, N. J., in which he requested that the case of Mr. Celso Telle be reconsidered in the light of the facts and law he outlined in a document entitled "Statement of Facts." Reference is also made to the telephonic acknowledgment of June 14, 1954.

An examination of the Department's files reflects that Mr. Telle was refused a visa at the American consulate at Ciudad Juarez on April 12, 1954, under the provisions of section 212 (a) (19) of the Immigration and Nationality Act. This refusal was predicated on a finding by the consular officer that Mr. Telle had obtained a transit visa at the American Embassy at Lisbon on May 20, 1948, by pretending to be Silvestre Napoleon Ramos Ganizal. In support of this claim, he presented a fraudulent Cuban birth certificate and Cuban passport in the name of the latter individual.

It appears to be Mr. Levy's contention that notwithstanding the commission of these fraudulent acts by Mr. Telle, he should not be found ineligible to receive a visa under section 212 (a) (19) in view of the intent of the Congress as expressed in Conference Report No. 2096 of the House of Representatives. In this connection, it is

desired to point out that the Department has incorporated the substance of the cited report in Title 22, CFR, 42.42 (i) (1) which reads as follows:

"*Fraud and misrepresentation.*—An alien shall be found to be ineligible to receive an immigrant visa under the provisions of section 212 (a) (19) of the act if the consular officer, after reviewing the evidence, knows or has reason to believe that such alien committed an act, regardless of the time of commission, which would constitute fraud or a willful misrepresentation of a material fact for the purpose of gaining admission into the United States: *Provided*, That the provisions of this subparagraph shall not be applicable in the case of a bona fide refugee, if such act was committed in connection with the alien's entry into, or sojourn in, a foreign country and consisted of (i) obtaining travel documents by fraud of by willfully misrepresenting a material fact, or (ii) a willful misrepresentation regarding his place of birth, and the alien was in fear of being repatriated to his former homeland if he had exposed the facts in his case: *Provided further*, That such act or misrepresentation was not committed for the purpose of evading quota restrictions of the United States immigration laws, or investigation of his record at the place of his former residence or elsewhere in connection with an application for a United States visa. The fact that an alien may be or may have been a bona fide refugee shall not be considered as sufficient in itself to remove the alien from any excludable class."

As evidence of the fact that Mr. Telle should be classified as a bona fide refugee for the purposes of the quoted regulation, Mr. Levy alleged that his client had made numerous anti-Franco utterances, and had in addition departed from Spain in order to avoid the required military service in the armed forces of his native country.

Section 291 of the Immigration and Nationality Act provides in part that an alien must sustain the burden of proving that he is eligible for and is entitled to the visa for which he has made application. In the light of the present record, it is the Department's opinion that Mr. Telle has failed to establish affirmatively that his case is embraced within the proviso to section 42.42 (i) (1) of title 22, CFR.

In the circumstances, there appears to be no legal basis for disturbing the finding of the responsible officer at the consulate at Ciudad Juarez, Mexico.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

Bernardo Hoz—H. R. 5932, by Mr. Boyle

The beneficiary is a 36-year-old native and citizen of Mexico who is the husband of a citizen of the United States, and the father of one United States citizen child. He has been found ineligible to receive a visa to the United States for permanent residence because he previously entered the United States by withholding material facts when he applied for a temporary visa to this country.

The pertinent facts in this case are contained in a letter dated July 7, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., July 7, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5932) for the relief of Bernardo Hoz, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who seek to procure, or have sought to procure, or have procured a visa or other documentation, or seek to enter the United States, by fraud, or by willfully misrepresenting a material fact, and would permit the beneficiary to be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of the act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING BERNARDO HOZ, BENEFICIARY OF H. R. 5932

The beneficiary, Bernardo Hoz, also known as Bernardo Romero, a native and citizen of Mexico, was born on August 20, 1919. He is married to a citizen of the United States and they have one United States citizen child. He is presently residing at Venustuano Carranza No. 8, Veracruz, Mexico. His mother, sister, and five brothers reside in Mexico.

The beneficiary has completed 8 years of grammar school and has had some additional training as a bookkeeper. His occupation while in the United States was that of a waiter. He is presently unemployed. His only asset is a 1949 Buick automobile.

Mr. Hoz first entered the United States as a tourist in 1949 and returned to Mexico in November of 1951 to be married. He returned to the United States as a tourist in January of 1952 and remained in this country until November of 1952 when he surrendered himself and was granted voluntary departure to Mexico. Information has been received that he has been refused an immigrat visa by the American consul in Mexico, as an alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation, or seeks to enter the United States, by fraud, or by willfully misrepresenting a material fact. The committee may desire to make inquiry of the Visa Office of the Department of State for further information in this connection.

No information is available as to whether the beneficiary has had any military service.

The foregoing information was furnished by Maria Hoz, wife of the beneficiary and sponsor of the bill. She resides with their child at 2048 North Lincoln Avenue, Chicago, Ill., is employed as an officeworker, and is self-supporting.

The Director of the Visa Office, Department of State, submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,
Washington, June 21, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 5, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Bernardo Hoz, beneficiary of H. R. 5932, 84th Congress, 1st session.

A report recently received by the Department from the American Embassy at Mexico, D. F., reads as follows:

"The subject was refused a visa on December 21, 1954, under the provisions of section 212 (a) (19) of the Immigration and Nationality Act.

"The record shows that he was issued a nonimmigrant visa in 1949. He stated at that time that he was going for pleasure but that, finding it easy to obtain work and liking the way of life in the United States, he accepted employment within 10 days of his arrival. This was not taken into consideration in the present refusal.

"In 1951 he came to Mexico and married an American citizen, having been given voluntary departure by the Immigration and Naturalization Service and 2 months' leave by his employer, the Fritz Restaurant in Chicago, Ill. He then applied for, and obtained, another temporary visitor visa under section 3 (2) of the act of 1924 on January 8, 1952, and entered the United States at Brownsville, Tex., proceeding direct to Chicago where he resumed his employment with the above-named restaurant. At the time of making this application he stated that he was going to the United States on business for 20 days although he admits, in writing, that his real intention was to return to his work in Chicago.

"In view of the fact that the statements made in connection with his application in January 1952, were false and material, he was denied an immigrant visa under the section stated in the first paragraph."

At this time the Department has no knowledge of any factor in Mr. Hoz' case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude him from receiving a visa.

Sincerely yours

ROLLAND WELCH,
Director, Visa Office.

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Liu Gun Cheung—H. R. 8189, by Mr. Ford

The beneficiary is a 27-year-old native and citizen of China who resides in Hong Kong with his wife and their four children. His father is a citizen of the United States and his mother is a lawfully resident alien in this country. The beneficiary has been found inadmissible to the United States because of an attempt, in 1950, to enter the United States on a transit visa to Italy and remain here permanently.

The pertinent facts in this case are contained in a letter dated April 27, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., April 27, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8189) for the relief of Liu Gun Cheung, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been arrested and deported and have not obtained permission from the Attorney General to reapply for admission, and aliens who have procured a visa or other documentation by fraud or by willfully misrepresenting a material fact.

It should be noted that the beneficiary has not been arrested and deported and is not required to obtain permission to reapply for admission to the United States. The committee may wish to amend the bill by deleting that portion which makes reference to this provision.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LIU GUN CHEUNG, BENEFICIARY OF H. R. 8189

In addition to the files of the Immigration and Naturalization Service, information concerning this case was obtained from Mr. Liu Hong, the beneficiary's father.

Liu Gun Cheung, a native and citizen of China, was born on March 22, 1929. He is married to Liu Chan King Tong, a native and citizen of China, and they have 4 children between 1 and 7 years of age. The beneficiary resides with his wife and children at 80 Shun Tung Street, Hong Kong. He is unemployed, has no assets and is entirely dependent upon his father for support. His education consists of several years of elementary school training.

The beneficiary attempted to enter the United States at Seattle, Wash., on September 20, 1950. He presented a transit certificate issued by the American consulate at Hong Kong and testified that he was seeking to enter the United States in transit to Italy. He requested that he be allowed to remain for 30 days as he wished to visit a distant relative, Liu Hong, in Grand Rapids, Mich. Investigation revealed that Liu Hong was the beneficiary's father and that the beneficiary intended to remain in the United States permanently. He was ordered excluded from the United States by a board of special inquiry on the ground that he was an immigrant not in possession of a valid immigration visa. His appeal to the Board of Immigration Appeals was denied, and on January 13, 1951, the beneficiary was deported to Hong Kong. Mr. Cheung was apparently refused a visa by the American consul at Hong Kong, in 1955, for having procured a visa or other documentation by fraud or by willfully misrepresenting a material fact. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Liu Hong is a native of China and a naturalized citizen of the United States. His wife, Liu Chen She, the beneficiary's mother, is a citizen of China and a legal resident of the United States. Mr. Hong and his wife reside at 345 South Division Avenue, Grand Rapids, Mich., where he is owner and operator of the Tea Garden Cafe. Mr. Hong has testified that if the beneficiary is allowed to come to the United States, he will be employed in the family business.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, April 13, 1956.

In reply refer to VO 150 Liu Gun Cheung.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 13, 1956, requesting a report of the facts in the case of Liu Gun Cheung, the beneficiary of H. R. 8189 which was introduced by Mr. Ford on January 5, 1956.

The files of the Department contain a report dated November 15, 1955, from the consul general at Hong Kong indicating that Liu Gun Cheung obtained a transit visa at Hong Kong in September 1950, for the alleged purpose of proceeding through the United States in transit to Italy. However, he stated at the consulate general that he had obtained the assistance of an unidentified travel broker in Hong Kong in applying for a transit visa for the purpose of gaining entry into the United States without intending to depart therefrom. He was found by the Immigration authorities not to be a bona fide transit alien and was excluded as an immigrant alien not in possession of an unexpired quota immigrant visa. Mr. Liu although party to

the fraud stated at the consulate general that he did not himself make application for the visa but left the arrangements to be made by the travel broker who obtained the visa through the assistance of an official of the consulate general at Hong Kong who was subsequently dismissed for accepting bribes in a number of similar fraudulent cases. Mr. Liu has been found at the consulate general to be ineligible to receive a visa under section 212 (a) (19) of the Immigration and Nationality Act.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Mr. Ford, the author of H. R. 8189, appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of his bill, pointing out to the fact that the beneficiary was the innocent victim of the fraudulent actions of a travel broker and an official of the consulate general at Hong Kong.

Mr. Ford also submitted the following letters in support of this legislation:

THE MICHIGAN TRUST CO.,
Grand Rapids, Mich., January 6, 1956.

Hon. GERALD R. FORD, Jr.,
House of Representatives, Washington, D. C.

DEAR JERRY: I am enclosing a translation of the letter received from Leo Hong's son in answer to the questions asked in your telegram of December 22, which I think will explain what you wanted to know.

I hope this will be very helpful in his son's admittance to the United States.

Thanks for everything and a Happy New Year to you and your family.

Respectfully,

PARK JOHNSTON.

DEAR PARENTS: I was so glad to receive your letter of December 23. In regard to what Mr. Ford wants to know concerning my connection with George Jue. I do not know whether his name is George Jue or not because he didn't use that name to the Chinese. I only went to a Mr. Jue, Kwoh Nien, who ran Chung Shan Travel Agency in Hong Kong in 1950. It was he who took care of all the arrangements for my coming to America. I did not know how to go about it so I did what he told me to do. I don't know whether he had an agency in San Francisco or not.

One day, after I went to him, he took me to the American consulate; a Chinese employee of the American consulate in Hong Kong asked me my name, age, birthplace, and my Hong Kong address. Then he took me to a foreigner there to whom I was not introduced so I did not know if he was Mr. Williams.

Immediately after we left the American consulate, Mr. Jue took away the paper with the signature of that foreigner and did not return it to me until I was ready to board the airplane. I still can recall that when I went to the Chung Shan Travel Agency, he got out two sheets of foreign papers for me to sign. He said these are the application papers which one must sign. After I signed my name, he filled in all

the blanks. At that time, I was deceived without my knowledge. What I wrote was the truth. Please ask Mr. Ford to explain the above to the Congress. I was only 21 in Chinese and was refugeeing in Hong Kong for a short time.

I didn't know that people could be so wicked and tricky. Therefore, I was deceived by this Mr. Jue. Please forgive my ignorance and allow my family and myself to come to America to enjoy our family reunion. America is a just and kind country. I hope she will be willing to help us refugees.

When I went back to Hong Kong, this Mr. Jue was in prison because he was convicted of crime.

Sincerely,

GUN CHEUNG.

DECEMBER 16, 1955.

Hon. GERALD R. FORD, Jr.,
House of Representatives.

DEAR MR. FORD: Reference is made to your letter of July 22, 1955, addressed to Mr. Morton (which was acknowledged by telephone on July 27 and by letter on August 11) relative to your interest in the immigrant visa case of Mr. Liu Gun Cheung, the son of Mr. and Mrs. Liu Hong of Grand Rapids, Mich.

The records of the Department show that Mr. Liu had registered at the American consulate at Canton in June 1949 for an immigration visa and that subsequently he was issued a nonimmigrant visa by the American Consulate General at Hong Kong on September 13, 1950, for the alleged purpose of entering the United States temporarily in transit to Italy. Mr. Liu arrived at Seattle, Wash., on September 22, 1950, and was detained by the Immigration and Naturalization Service. Before a Board of Special Inquiry, the alien testified that he desired to remain in the United States for 30 days, that during this period he would visit a "distant uncle" or "third-generation cousin" and that the reason for his alleged intended travel to Italy was to visit relatives and learn business methods. An investigation by the immigration authorities revealed that the alien's alleged "distant uncle" or "third-generation cousin" was in reality his father who was and apparently still is residing in Grand Rapids, Mich., that he was unable to give the names or addresses of any relatives in Italy and that he did not possess a ticket for travel to Italy. The Board of Special Inquiry determined that Mr. Liu had no intention of traveling to Italy and that he came to the United States with the intention of remaining in this country. The Board ordered Mr. Liu's exclusion from the United States as an immigrant alien not in possession of an unexpired quota immigrant visa. The order of exclusion was affirmed by an Assistant Commissioner, Adjudications Division, Immigration and Naturalization Service. An appeal by Mr. Liu from the affirming order was dismissed by the Board of Immigration Appeals and he was deported to Hong Kong via Northwest Airlines on January 21, 1951, pursuant to the exclusion order issued by the Board of Special Inquiry.

From the foregoing it seems clear that Mr. Liu was not eligible to receive the nonimmigrant visa which was fraudently obtained through the concerted efforts of a travel broker and an official of

the consulate general at Hong Kong who was subsequently dismissed for accepting bribes in a number of similar fraudulent cases.

In view of the foregoing information, the Department concurs in the consulate general's finding in May 1955 that Mr. Liu is ineligible to receive a visa under section 212 (a) (19) of the Immigration and Nationality Act.

Sincerely yours,

ROLLAND WELCH, *Director, Visa Office.*

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 626) should be enacted.

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Calendar No. 2476

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2442

CERTAIN ALIENS

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 627]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 627) for the relief of certain aliens, having considered the same, reports favorably thereon without amendment and recommends that the joint resolution do pass.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution is to grant the status of permanent residence in the United States to nine aliens. Provision is made for the necessary quota deductions and for the payment of the required visa fees. The joint resolution also provides for the cancellation of outstanding deportation proceedings in behalf of three aliens. In one case, provision is made for the posting of a bond as a guaranty that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The following facts concerning each case referred to in the joint resolution were contained in House Report 2220 (84th Cong., 2d sess.):

Panagiotis Kousounis and Athena Kousounis—H. R. 1462, by Mr. Scott

The beneficiaries are husband and wife, 35 and 34 years of age, respectively, who are natives and citizens of Greece. The female beneficiary was admitted to the United States as a visitor on January 11, 1951, and her husband was admitted to the United States as a seaman on March 2, 1951. They are the parents of one United

States citizen child. The male beneficiary has one brother who is a citizen of the United States and his mother is a lawfully resident alien of the United States.

The pertinent facts in this case are contained in a letter dated December 1, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 1, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1462) for the relief of Panagiotis Kousounis and Athena Kousounis, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States upon the payment of the required visa fee. It would also direct that two numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota of Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PANAGIOTIS KOUSOUNIS AND ATHENA KOUSOUNIS, BENEFICIARIES OF H. R. 1462

Panagiotis Kousounis, also known as Peter Cousounis, was born on February 2, 1921, at Ithaca, Greece, and is a citizen of Greece. Prior to his last entry into the United States, he resided in Athens, Greece, where he was employed as a bookkeeper. He is now employed at Philadelphia, Pa., as a laborer at a weekly salary of $80.

Athena Kousounis was born on May 10, 1922, at Efpalion, Greece, and is a citizen of Greece. She resided in Athens, Greece, prior to her last entry into the United States.

Mr. and Mrs. Kousounis were married at Athens, Greece, on July 15, 1945. On September 10, 1951, a child, Timothy, was born to Mr. and Mrs. Kousounis at Philadelphia, Pa. This family now resides at 4383 Pechin Street, Philadelphia, Pa.

Panagiotis Kousounis was last admitted to the United States on March 2, 1951, at New York, N. Y., as a seaman for 29 days. He failed to comply with the conditions of his admission and depart with his ship; therefore, deportation proceedings were instituted on September 7, 1951. Mr. Kousounis was accorded a hearing and was granted the privilege of voluntarily departing from the United States. He failed to avail himself of this opportunity and warrant of

deportation was issued on April 20, 1953, which is outstanding.

Athena Kousounis was last admitted to the United States on January 11, 1951, at New York, N. Y., as a visitor. She failed to comply with the conditions of her admission and deportation proceedings were instituted on September 7, 1951. She was accorded a hearing and granted the privilege of voluntary departure from the United States. She failed to avail herself of this opportunity and warrant of deportation was issued on April 20, 1953, which is outstanding.

Mr. Kousounis' father is deceased. His mother, a legal permanent resident of the United States, and a brother, who is a United States citizen, reside in Philadelphia, Pa. He has no other near relatives. Mr. Kousounis completed 12 years' schooling in Greece and served in the Greek Army from 1946 to 1950, where he attained the rank of second lieutenant.

Mrs. Kousounis is a housewife. She completed 15 years' schooling in Greece. Her parents, 2 brothers and 5 sisters are all citizens of Greece and reside in Greece. These beneficiaries have limited assets consisting of personal property at Philadelphia, Pa.

Mr. Scott, the author of H. R. 1462, submitted numerous letters and statements in support of his bill which read, in part, as follows:

THE PENNSYLVANIA CO.,
Philadelphia, March 10, 1954.

To Whom It May Concern:

Peter T. Cousounis, age 32 years old, residing at 4383 Pechin Street, Philadelphia, Pa., enjoys a very good reputation in the community.

I have known Mr. Cousounis and his family for the past 3 years and it is a pleasure for me to recommend them for your consideration.

If there is any further information necessary do not hesitate to contact me.

Very truly yours,

A. F. SKROBANEK,
Assistant Vice President.

MANAYUNK, PHILADELPHIA, PA.,
March 8, 1954.

DEPARTMENT OF JUSTICE,
Immigration and Naturalization Service,
Philadelphia, Pa.

GENTLEMEN: This is to advise you we have known Mr. Panagiotis Koussounis, also known as Peter Cousounis, now residing at 4383 Pechin Street, Roxborough, Philadelphia, for about 3 years, and for the last year he has been a tenant under us at the aforesaid address, paying a monthly rental of $60. He has always been very prompt in his payments and we know him to be a law-abiding citizen.

We knew his father, Timotheo Cousounis, over a period of years and the father was always honest and upright in his business transactions.

We understand he is desirous of becoming an American citizen and in our opinion he will make a good citizen and we therefore recommend him for your consideration.

Yours very truly,

OLIVER S. KELLY & CO.
By CAROLINE EARNSHAW, *Secretary.*

INTERNATIONAL BROTHERHOOD OF PAPER MAKERS,
MANAYUNK LOCAL NO. 68,
Philadelphia, Pa., February 24, 1954.

DEPARTMENT OF JUSTICE,
Immigration and Naturalization Service,
Philadelphia, Pa.

GENTLEMEN: Mr. Peter Cousounis has again requested the officers of this local union to recommend his name for your consideration.

As we stated in our first letter to your Department, dated April 13, 1953, Mr. Cousounis became a member of this local union in November 1951. We believe him to be sincere in his desire to become an American citizen, and feel sure that he will always—as he does now—actively demonstrate his belief in the principles of democracy.

It is therefore a pleasure to again recommend him for your consideration.

Very truly yours,

JOHN C. WEBER,
Recording Secretary.

THE GREEK ORTHODOX CHURCH OF ST. GEORGE,
Philadelphia, Pa., February 24, 1954.

To Whom It May Concern:

Mr. Peter Cousounis, known as Panagiotis Koussounis, is supporting his family of a wife and one child. He is a member of our community of St. George, a good Christian and a good citizen. His father died February 12, 1954, from a heart attack and he is obliged to support his mother, who is also sick.

Rev. GEORGE ROUSSOS, *The Priest.*
(Very Rev. George Roussos, D. D.).

CONTAINER CORPORATION OF AMERICA,
Manayunk, Philadelphia, Pa., February 23, 1954.

Mr. PETER COUSOUNIS,
Philadelphia, Pa.

DEAR MR. COUSOUNIS: This letter is written upon your request to inform the Immigration Office of your employment with Container Corporation of America.

You were employed on October 30, 1951. At present your hourly wage is $1.45.

If you work a full or normal schedule your average weekly earnings would be approximately $73.95.

Very truly yours,

E. D. LEWIS,
Paper Mill Personnel Manager.

ORLOW & ORLOW

ATTORNEYS AT LAW

PHILADELPHIA, PA., *March 5, 1954.*

Congressman HUGH D. SCOTT,
Old House Building, Washington, D. C.

DEAR CONGRESSMAN SCOTT: Last year you were good enough to have introduced into the Congress of the United States a private bill, H. R. 4579, for the relief from deportation of Panagiotis Koussounis and Athena Koussounis, his wife.

To bring you up to date in the case, the male alien was a seaman who arrived as a member of the crew of the Steamship *Nora* in March of 1951, and in September of that year he was granted voluntary departure. The female alien had arrived as a passenger on the steamship *LaGuardia* as a visitor for pleasure in January of 1951. She had applied for an extension of her stay in July of that year, but it was denied her, and she failed to leave because of a physical condition at that time. When he arrived in harbor he intended to reship, but after he met his wife in the United States he learned of her pregnancy and wished to stay until she was delivered. A child was born to them in the United States on September 10, 1951. Suspension of deportation was requested because of the deprivation that would be entailed in rearing their American-born child under present conditions in Greece.

Since the time of the filing of the bill, the male alien's father, who was a naturalized citizen of the United States, Timothy Koussounis, died in Philadelphia on February 12, 1954, leaving surviving him his widow, who is upwards of 50 years old, and ailing with no means of support, other than the male alien. In addition to the widow, he was survived by the male alien and a second son, Jerry, who is a naturalized citizen of the United States and also the husband of an American citizen, and presently a student in the Jefferson Medical School. As a student he is not only not earning money, but requires assistance to be helped to complete his education.

If these aliens are deported not only will their citizen child be deprived of the advantages of American environment, but the whole family will suffer, including the alien's legally resident mother, the alien's citizen brother, and the family in general. The female alien who was married to the male alien in July of 1945 is a graduate teacher having graduated from the Greek Academy in Petras, Greece. She would make a worthy citizen of the United States, given the opportunity. It is her hope that as soon as her child is old enough to leave with a stranger that she may take a teaching position here and help supplement the family income, and at the same time relieve the teacher shortage in this country.

I am enclosing herewith some documents I think might be of some assistance to you in connection with this bill:

1. The male alien's honorable discharge from the Greek Army, together with notarized translations thereof.
2. Greek police certificate, together with notarized translations thereof, for the male and female aliens, respectively.
3. Marriage document and notarized translations thereof.

If you desire any further documentation, I will be happy to submit same.

Yours very truly,

LENA L. ORLOW.

EXTRACTS FROM THE PENAL RECORDS

No. 2831

Here are 4 documentary stamps affixed and canceled with 2 rubber stamps, and having on either the initials or the signature of an official.

Name: Panagis Kousounis.

Father's name: Timotheos.

From the penal records of the district attorney's office of Chephalonia.

Extracts of identity of the above:

Alias: ———.

His trade: ———.

Mother's name: Kalliopi.

Place of birth: Ithaca.

Year of birth: 1921.

Single: ———.

Married: Yes.

Penal findings of the above: Nothing.

Confirming these excerpts, we issue this document to the above named, in conformity with the up to date penal records, and laws.

ARGOSTOLION the 9/11/1951.

Here is a rubber-stamped statement approving the issue of the above statement.

THE SECRETARY OF THE PENAL RECORDS,
(Signed, illegible).

Covering the above signature is the official rubber stamp of the office of the district attorney.

THE SECRETARY,
(Signed, illegible).

Covering the above signature and part of the rubber-stamped statement, is the official rubber stamp of the office of the district attorney.

Kam-Kwan Kwok and Chin-Lin Kwok—H. R. 940, by Mr. Coudert

Rosa Yushang Liang Kwok and Jeanette Chin-Ming Kwok—H. R. 4027, by Mr. Coudert

The beneficiaries, Kam-Kwan Kwok and Rosa Yushang Liang Kwok, are husband and wife, and the other two beneficiaries are their son and daughter, respectively, Chin-Lin Kwok and Jeanette Chin-Ming Kwok. The senior Mr. Kwok was last admitted to the United States as a visitor on May 23, 1952. Mrs. Kwok and their daughter were admitted to the United States as visitors in May of 1949. Their son has been residing in the United States as a student since 1947.

Another son of the principal beneficiaries is a naturalized citizen of the United States who has been honorably discharged from the United States Armed Forces.

The pertinent facts in these cases are contained in letters dated July 13, 1954 (with reference to a bill pending in the 83d Congress for the relief of Mr. Kwok and his son) and May 26, 1955, from the Commissioner of Immigration and Naturalization. Those letters and accompanying memoranda read as follows:

JULY 13, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8887) for the relief of Kam-Kwan Kwok and son, Chin-Lin Kwok, also known as Frank Chin Lin Kwok, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant these aliens the status of permanent residents of the United States upon payment of the required visa fees. It also directs that two numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KAM-KWAN KWOK AND HIS SON, CHIN-LIN KWOK, WHO IS ALSO KNOWN AS FRANK CHIN LIN KWOK, BENEFICIARIES OF H. R. 8887

Mr. Kam-Kwan Kwok and his son, Chin-Lin Kwok or Frank Kwok, were born in China on December 22, 1899, and April 5, 1927, respectively. Frank Kwok claims British nationality. Mr. Kam-Kwan Kwok last entered the United States on May 23, 1952, at Miami, Fla., when he was admitted as a visitor. He was granted an extension of stay to March 23, 1953. His application for further extension was denied and his departure is required.

Chin-Lin or Frank Kwok entered this country at St. Albans, Vt., on June 8, 1947 when he was admitted as a student. His student stay was last extended to February 6, 1955. He filed an application for permanent status as a displaced person which application was denied on February 27, 1953.

Mr. Kwok, senior, completed elementary school and attended Queens College in his native country. His occupation abroad was that of a banker. He was married on May 3, 1925, as a result of which union there are four children. In addition to Frank there are Rosalind Chin San Kwok and Jeanette Chin Ming Kwok who are in the United States in the status of temporary visitors in which status, their mother, Mrs. Rosa Kwok, is also sojourning here. The fourth child, Chin-Fun Kwok, is a citizen of the United States having served in the Armed Forces thereof. The two children, Frank and Jeanette, and Mrs. Kwok are dependent upon Kam-Kwan Kwok for support. Mrs. Kwok and the daughter, Jeanette, are applicants for the benefits of Public Law 203 as displaced persons.

The elder Mr. Kwok has assets consisting of a bank account with a current balance of $107,000, stocks valued at $100,000 from which he derives income, and personal assets estimated to be worth $1,000. He stated that in addition he owns stocks and real estate in China of unde-

termined value. A brother and four sisters reside in Hong Kong and another brother in Singapore.

The son beneficiary attended elementary school, Lester School, Shanghai American School and St. John's University in his native country for a period of 16 years. He also attended College of South West England, Exeter, England, in 1946. He has studied at the University of Pennsylvania, Philadelphia, Pa., from 1947 to 1949, New York University, New York, N. Y., from 1949 to 1951, University of Minnesota, Minneapolis, Minn., from 1952 to 1953 and is presently attending New York University, New York, N. Y. While attending school in the United States, he was employed as a waiter, stockroom head, executive trainee, and assistant to a company vice president.

His assets consist of $750 in cash, personal effects and an automobile valued at approximately $1,700. He also is owner of a $1,000 bond posted in connection with his immigration proceedings.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 26, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4027) for the relief of Mrs. Rosa Yushang Liang Kwok and daughter, Jeanette Chin-Ming Kwok, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y. office of this Service, which has custody of those files.

The bill would grant these aliens the status of permanent residents of the United States upon payment of the required visa fees. It also directs that two numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. ROSA YUSHANG LIANG KWOK AND DAUGHTER JEANETTE CHIN-MING KWOK, BENEFICIARIES OF H. R. 4027

The beneficiaries, Mrs. Rosa Yushang Liang Kwok, and daughter Jeanette Ching-Ming Kwok, are citizens of China, born at Peiping and Shanghai, China, on November 2, 1900, and August 16, 1937, respectively. Mrs. Kwok was married to Kam-Kwan Kwok at Peiping, China, on May 3, 1925. Of this union there issued four children. In addition to Jeanette, there are Rosalind Chin San Kwok Chow, Frank Chin-Lin Kwok, and Chin-Fun Kwok. Frank, Jeanette, and Chin-Fun Kwok reside with their parents at 1225 Park Avenue, New York, N. Y. Frank and the elder Mr. Kwok

are the beneficiaries of private bill H. R. 940, 84th Congress, and under immigration proceedings by this Service. Rosalind is sojourning in the United States as a student and resides at State College, Pa. Chin-Fun Kwok is a citizen of the United States, having served in the Armed Forces thereof.

Mrs. Kwok attended elementary school and high school for a period of 10 years in her native country. She also studied at the House in the Pines School, Norton, Mass., from September 1920 to June 1922. Miss Kwok attended the McTyre Girls School for a period of 7 years in China. She studied at the Spence School, New York, N. Y., from September 1949 to June 1953, and is now in the process of enrolling in the Masters Boarding School, Dobbs Ferry, N. Y. Mrs. Kwok's assets consist of a regular checking bank account with a current balance of $90,000; securities valued at $70,000, and personal effects estimated at $5,000. Miss Kwok's assets consist of a savings bank account in the amount of $600, personal effects estimated at $200, and securities in Hong Kong valued at $16,000.

The aliens last entered the United States at the port of San Francisco, Calif., on May 14, 1949, at which time they were admitted as visitors. They have received several extensions of their temporary stay, the last of which expired on March 23, 1953. Their applications for adjustment of status under section 6 of the Refugee Relief Act of 1953 were denied. Deportation proceedings were instituted on April 13, 1955.

Mr. Coudert, the author of H. R. 940 and H. R. 4027, submitted the following letters in support of his bills:

THE NATIONAL CITY BANK OF NEW YORK,
New York, N. Y., April 15, 1954.

DEPARTMENT OF JUSTICE,
Immigration and Naturalization Service,
New York, N. Y.

DEAR SIRS: I am addressing you on behalf of Mr. Kam-Kwan Kwok, who informs me that you require a character reference in connection with the extension of his visitor's permit.

I have known Mr. Kwok since 1926, or just under 30 years. He has occupied positions of senior responsibility in the leading banking institutions in China, and has served in various capacities in the Nationalist Government, prior to his country falling under control of the Communists. He has a charming wife and 4 attractive children (2 sons and 2 daughters), who have been educated in this country.

Based on my long acquaintance, I consider Mr. Kwok and his family to be of good moral character and friends of the United States, who qualify as desirable visitors.

I trust this will satisfy your requirements, but if you desire any additional information, please contact me.

Very truly yours,

A. D. CALHOUN, *Vice President.*

THE CHASE NATIONAL BANK,
New York, April 14, 1954.

UNITED STATES GOVERNMENT,
IMMIGRATION AND NATURALIZATION SERVICE,
New York, N. Y.

GENTLEMEN: I am writing you at the request of Mr. K. K. Kwok (Kam-Kwan Kwok) of 1225 Park Avenue, New York City, who has made application for an adjustment of his immigration status.

I knew Mr. K. K. Kwok during the time I was stationed in Shanghai as manager of our branch there. When I first met him he was submanager of the Bank of Communications, Shanghai, and he left that institution to become assistant general manager of the Central Bank of China in Shanghai in 1935. He remained with that institution in Shanghai until the Japanese invasion and continued with that bank in Hongkong and Chungking until after the war. On his return to Shanghai after the war he became managing director of the Bank of China in Shanghai until his departure for the United States early in 1949.

Our bank had many dealings with the institutions with which Mr. Kwok was connected and I became well acquainted with him during that time. He is a man of integrity and has always enjoyed the highest reputation, and I take pleasure in recommending favorable consideration to his request for adjustment of his immigration status.

Yours very truly,

A. E. SCHUMACHER.

NEW YORK, N. Y.

KAM-KWAN KWOK

I, Kan-Kwan Kwok, am of Chinese nationality and was born in 1899 in Hong Kong. I was graduated from Nam-Moo College in Canton, China.

I worked in Chinese Government banks for 25 years (Central Bank of China, Bank of China, Bank of Communications and Farmer's Bank); in 1926 I joined the Bank of Communications as junior clerk and gradually rose to submanager and manager of the Hankow and Shanghai branches; in 1935 was appointed assistant general manager of the Central Bank of China; in 1940 was appointed Chinese alternate member of the Chinese-American-British Stabilization Board (American members: Mr. A. U. Fox and Mr. William Taylor of the United States Treasury; British members: Sir Edward Hall-Patch and Mr. W. H. Evans Thomas); subsequently appointed committee member of Foreign Assets and Exchange Control Commission of the Ministry of Finance.

In 1940 I was appointed general manager of the Central Bank of China which post I held throughout World War II. During the war I had constant personal contacts with Mr. Edward Ted Acheson, (brother of Dean Acheson, then Secretary of State) representative of the United States Treasury in connection with matters concerning United States Army Funds in the China theater and lend-lease programs.

From 1943 to 1950 I was managing director of the Bank of China; from 1949 to date I have been a member of the board of directors of the Universal Trading Corp. in New York, a Chinese Government agency.

TREASURY DEPARTMENT, BUREAU OF CUSTOMS,
New York, N. Y., April 15, 1954.

IMMIGRATION AND NATURALIZATION SERVICE,
Department of Justice, New York, N. Y.

SIRS: With reference to the application of Mr. K. K. Kwok of 1225 Park Avenue, New York, N. Y., for adjustment of his immigration status, I am respectfully forwarding the following data concerning this subject.

During the period 1932–42, I served as United States Treasury representative in charge at Hong Kong and south China, returning to this country in the steamship *Gripsholm*. During the period 1943–46, I served principally as assistant naval and air attaché to the American Embassy, Chungking, China (lieutenant commander, USNR).

During this period of service and residence in the Far East I met Mr. Kwok in the early 1930's, and have known him and his family intimately since that time. Mr. Kwok's business activity has been that of a professional banker associated for the most part with Chinese Government financial institutions in a high administrative capacity. His reputation has always been of the highest and of continued loyalty to the National Government of China. During Mr. Kwok's official duties in Shanghai, Hong Kong, and Chungking, he was of great help to both our Naval and Treasury attachés' offices by giving information pertinent to our war efforts. He was at all times ready to assist us in special investigations which require secrecy of project and technical knowledge and was an invaluable friend to an American official serving abroad in difficult times and in a difficulty area.

It is Mr. Kwok's hope and desire to remain longer in the United States and this letter is submitted to the Immigration Service in the hope that his application may be considered favorably.

Sincerely yours,

ARTHUR J. CAMPBELL, *Agent.*

BUSINESS INTERNATIONAL,
New York, N. Y., April 15, 1954.

To Whom It May Concern:

This is to certify that I have known Mr. Kam-Kwan Kwok for more than 20 years. I formerly resided in Shanghai, China, where I practiced law and I was at one time legal adviser to the Central Bank of China when Mr. Kwok was assistant general manager of the bank. I also knew Mr. Kwok socially in Shanghai and in the United States. I know him to be a gentleman of the highest integrity and consider it a privilege to be associated with him in any business or social way. He has always been friendly and helpful to Americans and is entirely sympathetic to the American way of life, and values highly American institutions.

I am an American citizen and am currently associate editor of Business International.

N. F. ALLMAN.

Eftalia G. Stathis and Ariadni Vassiliki G. Stathis—H. R. 7083, by Mr. Lankford

The beneficiaries, natives and citizens of Greece, are sisters. The elder sister, Eftalia G. Stathis, was admitted to the United States as a visitor in 1949 and is presently employed as a laboratory technician and is taking night courses at George Washington University. Ariadni Vassiliki G. Stathis was admitted to the United States as a member of the crew of the steamship *Olympia* in the capacity of a nurse. The mother of the beneficiaries is a doctor of medicine who is a lawfully resident alien in the United States, and their stepfather is a United States citizen.

The pertinent facts in this case are contained in a letter dated September 14, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., September 14, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7083) for the relief of Eftalia G. Stathis and Ariadni Vassiliki G. Stathis, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Washington, D. C., office of this Service, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fees. It also directs that two numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota of Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EFTALIA G. STATHIS AND ARIADNI VASSILIKI G. STATHIS, BENEFICIARIES OF H. R. 7083

The beneficiaries are sisters. Eftalia G. Stathis, also known as Ethel Stathis Papara and Eftalia George Stathis, was born in Athens, Greece, on September 29, 1929. Ariadni Vassiliki G. Stathis, also known as Vassiliki Ariadni Stathe, was born on July 25, 1932, in Athens, Greece. The beneficiaries are single. They reside with their mother, Dr. Dora Papara Nicholson, and their stepfather, Mr. Soterios Nicholson, at the Burlington Hotel, Washington, D. C. Dr. Nicholson is a citizen of Greece. She is under deportation proceedings by this Service. Mr. Soterios Nicholson is a citizen of the United States. The beneficiaries' father, George S. Stathis, resides in Greece.

Eftalia G. Stathis graduated from high school in Athens, Greece. Since entering the United States she has attended the University of Pennsylvania and Temple University in Philadelphia, Pa. She is presently attending night classes at the George Washington University in Washington, D. C. Her present employment is as a laboratory technician at the Doctors Hospital in Washington, D. C., at a monthly salary of $200. She was admitted to the United States at New York, N. Y., on November 29, 1949, as a visitor. She failed to maintain her visitor's status and deportation proceedings have been instituted against her. Such proceedings are now pending.

Ariadni Vassiliki G. Stathis attended the Athens University in Athens, Greece, for 2 years prior to entering the United States. She was also employed as a nurse in a mental Institute at Athens, Greece. Her present employment is at Garfinckel's Department Store in Washington, D. C., as a saleslady at a weekly salary of $50. She was admitted to the United States on May 5, 1954 at New York, N. Y., as a member of the crew of the Steamship *Olympia* in the capacity of a nurse. She remained in the United States beyond the period of her admission and deportation proceedings were instituted against her. She was found deportable and a warrant for her deportation has been issued. Such warrant is outstanding.

Private bill S. 2524, 83d Congress, introduced for the relief of Eftalia G. Stathis under the name of Ethel Stathis Papara, and private bill S. 3523, 83d Congress, introduced for the relief of Ariadni Vassiliki G. Stathis, were not enacted. These beneficiaries are also the beneficiaries of private bill S. 911, 84th Congress. The bill S. 911 would accord the same relief as proposed in the bill H. R. 7083.

Mr. Lankford, the author of H. R. 7083, appeared before a subcommittee of the Committee on the Judiciary and recommended the favorable consideration of his measure. In addition, Mr. Lankford submitted the following letters and statements in support of this legislation:

GREEK ARCHDIOCESE OF NORTH AND SOUTH AMERICA,
New York, N. Y., July 14, 1955.

Hon. RICHARD E. LANKFORD,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LANKFORD: This is written in behalf of Misses Eftalia and Ariadni, daughters of Mr. Soterios Nicholson of Washington, D. C., in connection with the private bill you have introduced in the House of Representatives for the purpose of having both of them remain in the United States.

I sincerely feel that if they should be allowed to remain here, they would be an asset to their community as well as to our country, and I urge you to wholeheartedly support them.

Your assistance to enable them to remain here is highly commendable and deeply appreciated.

Very sincerely yours,

MICHAEL,
Archbishop of the Greek Orthodox Church in North and South America.

ORDER OF AHEPA,
Washington, D. C., July 12, 1955.

Hon. RICHARD E. LANKFORD,
House Office Building, Washington, D. C.

DEAR MR. LANKFORD: Reference is made to H. R. 7083 introduced by you for the relief of Euthalia G. Stathis and Ariadni Vassiliki G. Stathis which has been referred to the Judiciary Committee for consideration.

Dr. Dora Papara Nicholson, mother of the foregoing beneficiaries, is the wife of Mr. Soterios Nicholson, of Washington, D. C. Dr. Nicholson, a permanent resident of the United States, came to this country in 1949 following a distinguished career in medicine in Greece. She is now an assistant research professor of anatomy at the George Washington University under research grant No. B798 (R) United States Public Health.

Mr. Nicholson has been a resident of the District of Columbia for a number of years and a respected member of the legal profession. He has served the Order of Ahepa in many outstanding capacities in numerous fraternal, charitable, and civic undertakings. He is well known for his intense activities in the civic affairs of the District of Columbia.

It is my privilege, on behalf of the organization, to earnestly recommend favorable consideration and action on the aforementioned bill. The preservation of the family status would enable Dr. Nicholson to continue her important work without the anxiety and stress that a parent feels for her children.

A review of the documents contained in your files will, I am certain, reveal that the beneficiaries are of the most desirable class of immigrants in accordance with the laws and policies of our country.

Trusting that the committee will give this matter every favorable consideration, I am.

Very truly yours,

ANDREW D. VOZEOLAS,
Executive Secretary.

THE GEORGE WASHINGTON UNIVERSITY
SCHOOL OF MEDICINE,
DEPARTMENT OF ANATOMY,
Washington, D. C., June 28, 1955.

Mr. RICHARD L. STILL,
Legislative Assistant to
Richard E. Lankford, Member of Congress,
House of Representatives, Washington, D. C.

DEAR MR. STILL: First I would like to thank Congressman Lankford, as well as yourself, for the real humanistic attitude toward my children's problem and for such quick and courageous action as you have taken. This really represents the good American as we used to know and believe to be. Thank you again very much for everything.

I realize fully that we are late in the session. I realize also that any step taken by the immigration authorities is justified by the formalities of the requirement of the recent law which we have to respect in every way and accept as it is. It is only for my daughters very painful to be under warrant of arrest which is considered as the

most horrible humiliation for our standards and mainly because of their past bitter experience of the quadruplex successive occupations, the persecutions of all kind and investigations during those dark 4 years they have lived, it is that those kids have become allergic to police officers and more sensitive. The warrant of arrest of alien, gives to them the impression of a small scratch but on a big, unhealed, and deep wound. It is painful for them, believe me, and it is the only reason why I am so anxious to straighten out their situation because I would like to let them enjoy the feeling of security and freedom in the United States with me, and it is for that reason that I quit my long career back home. I strongly believe that your enthusiastic attitude toward their problem will give to them the so-wanted privilege and reward to live here peaceful and free.

On a separate sheet you will find replies to questionnaire of rules of procedures, paragraph 5. Please excuse this lengthy report. I have tried to give to you the sequence of events concerning my two daughters and explain through you to Congressman Lankford and perhaps to the chairman of the committee, why I am so eager to ask your help, to not be separated from my children again, as they have no one else to care for them except my husband and me and no other home to stay but in my home.

On the other hand, being so much preoccupied about the future of my daughters I am unable to concentrate in such responsible work which the American taxpayer has entrusted in me, the amount of $42,000 to work for the benefit of their children.

Please do whatever is humanly possible on behalf of my daughters, in order that I, too, may have peace of mind.

In the meanwhile, on behalf of my daughters, my husband, and myself, please accept for Congressman Lankford and yourself our deepest gratitude.

Cordially yours,

DORA PAPARA-NICHOLSON, M. D.

NEW YORK, N. Y., *June 28, 1954.*

To Whom It May Concern:

This is to certify that Miss Ariadne Stathis, a nurse on the steamship *Olympia*, consulted me on May 6, 1954.

By the clinical examination it was found that she is suffering from a chronic appendicitis and also from some gastric condition which possibly might be a peptic ulcer. A roentgenographic examination of the stomach and other laboratory tests were suggested.

Her present condition calls for proper medical care, diet, and complete rest and further medical examination.

In my opinion her present health condition does not allow her to attend her usual work and travel by ship.

D. K. ZONGOS, M. D.

Sworn to before me this 4th day of June 1954.

HARRY HORNSTEIN,
Notary Public.

Term expires March 30, 1955.

FEDERATION OF BUSINESS MEN'S ASSOCIATIONS, INC.,
Washington, D. C.

To Whom It May Concern:

Miss Vassiliki Ariadni Stathes came from Greece before May 10 of this year. By reason of her mother, Dr. Dora Nicholson, being the wife of our general counsel, Soterios Nicholson, we had the pleasure of knowing her socially.

It is our impression that she is very intelligent and speaks several languages, including English. We believe that she would be an excellent citizen to be allowed to remain in the United States.

Furthermore, we understand that she has no one in Greece to return to, as both her sister and her mother are now in the United States.

We therefore suggest that a girl with such a good character should be admitted to the United States for permanent residence. Anything you can do for Miss Stathes, will be appreciated by us.

Sincerely yours,

JOHN F. DONOHOE, *President.*

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, October 3, 1950.

To Whom It May Concern:

This is to certify that Miss Ethel Stathi-Papara is a student in the course in laboratory technique in the Pepper Laboratory, University of Pennsylvania Hospital. She began the course on June 1, 1950, and is scheduled to complete the course on February 28, 1952. The hours are from 9 a. m. to 5 p. m. every day except Saturday, and from 9 a. m. to 1 p. m. on Saturday.

ROBERT F. NORRIS, M. D.

Brigitte Koehler—H. R. 5319, by Mr. Hays of Ohio

The beneficiary is a 16-year old native and citizen of Germany who was admitted to the United States, accompanied by her natural mother, as a visitor in 1949. She has been adopted by citizens of the United States with whom she now resides in Ohio.

The pertinent facts in this case are contained in a letter dated June 17, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 17, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5319) for the relief of Brigitte Koehler, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Pittsburgh, Pa., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Germany.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE BRIGITTE KOEHLER, BENEFICIARY OF H. R. 5319

The beneficiary, Brigitte Koehler, a native and citizen of Germany, was born on September 23, 1939, in Scheibe-Alsbach, Rudolstadt, Germany. She is single and resides at Girlhaven, a privately endowed home for girls, near Altoona, Pa. She is in the ninth grade of junior high school at Hollidaysburg, Pa.

Miss Koehler's parents are divorced. Her father and sister reside in Germany and are citizens of that country. Her mother, a resident alien, is married to a United States citizen and lives with her husband at 387 East 6th Street, Salem, Ohio. The beneficiary has no other relatives in the United States.

Miss Koehler, accompanied by her mother, entered the United States at the port of New York on September 20, 1949, when she was admitted as a visitor. Deportation proceedings have been instituted against her on the ground that, at time of entry, she was an immigrant not in possession of valid immigration documents. She was granted a hearing, and on July 1, 1954, the special inquiry officer found her to be deportable on the above charge but authorized voluntary departure and preexamination. The beneficiary has not yet availed herself of this privilege.

Mr. Hays of Ohio, the author of H. R. 5319, submitted the following statement in support of his bill:

STATEMENT OF CONGRESSMAN WAYNE L. HAYS IN SUPPORT OF H. R. 5319

Brigitte Koehler, in whose behalf I have introduced H. R. 5319, was born in Germany on September 23, 1939.

Brigitte entered the United States with her mother on September 20, 1949, as a visitor. According to Mr. Rigby Mast, director of the Columbiana (Ohio) County Department of Welfare, Brigitte's mother exhibited such lack of concern for her training and well-being that it became necessary to turn Brigitte over the department of welfare. She is now living with Mr. and Mrs. John Hollister of West Point Road, Millport, Ohio, whose petition for her adoption is now pending in juvenile court, Columbiana County, and a copy of which I have submitted to the committee.

In a letter dated March 22, 1955, Mr. Mast wrote me as follows: "Brigitte has made such a wonderful adjustment and we are all so proud of her. She wants so badly to be adopted by Americans and her name changed." I should also like to submit for the record the accompanying letter from Judge Louis Tobin, of the Columbiana County juvenile court, dated March 2, 1955, in which Judge Tobin states that Brigitte has a wonderful future in music and that in his opinion she would be a great asset to this country.

I should like to express my strong personal interest in this case and I am grateful for the committee's consideration of it.

Mr. Hays also submitted the following letters and document in support of his bill:

JUVENILE COURT, COLUMBIANA COUNTY,
Lisbon, Ohio, March 2,1955.

Re Bridget Kohler

Hon. WAYNE L. HAYES,
Congressman of the 18th District of Ohio,
Washington, D. C.

DEAR CONGRESSMAN HAYES: Some 18 months ago it became necessary for me to commit to the Columbiana County Department of Public Welfare a 13-year-old girl by the name of Bridget Kohler. Originally she came into this country from Germany and her leave of stay has expired. In the last year and half we have done wonders with this child and think she has a wonderful future in music.

I am very much interested in a bill sponsored by you permitting her to remain in this country. I think this young girl would be a great asset to this country and you would do her a great injustice to deport her to Germany, where she has neither relatives or friends.

Any further information you may want on this child, I will furnish it to you.

With kindest personal regards,

LOUIS TOBIN, *Judge.*

COLUMBIANA COUNTY DEPARTMENT OF WELFARE,
Lisbon, Ohio, May 19, 1956.

Re Brigitte Koehler, H. R. 5319.

The HOUSE JUDICIARY COMMITTEE,
Washington, D. C.

DEAR SIRS: I am very much interested in the above-named child, not only in my official capacity as director of the Columbiana County Department of Welfare, but in that as I have come to know the child personally and I have developed a very personal interest in her, as I see and talk to her almost every day on her way to and from her high-school classes.

As an example of her attainments in school, I would like to submit the following. She has been on the honor roll 4 out of the 6 grade periods this school year; she is a member of the high-school chorus and girls ensemble; she was 1 of 6 girls chosen from the sophomore class to serve as an usher at the junior-senior prom; she is active in high-school activities, very highly regarded, both academically and morally by

her teachers, classmates, and all who know her. Brigitte is also very active in her church affiliation and is highly regarded by those in positions of responsibility in her church.

In my opinion this girl is as fine a young lady as it has been my pleasure to know and with it she has a sense of humility and appreciation to others for everything that has been done to help her.

I unqualifiedly recommend to you this child and sincerely hope that you will find it possible to recommend and pass H. R. 5319.

Yours very truly,

RIGBY MAST, *Director.*

PROBATE COURT

JOURNAL ENTRY

(General Code, Sec. 10512–18–20)

Case No. 725

THE STATE OF OHIO,
Columbiana County:

MARCH 2, 1956.

In the matter of the adoption of Brigette Koehler, Carol Ann Hollister

(Final decree of adoption when interlocutory decree has previously been made)

This day this matter came on further to be heard.

Whereupon, the court, finding that 6 months have expired from the 30th day of August 1955, upon which date the court entered an interlocutory order of adoption herein; that since that date, the next friend, heretofore appointed by the court, has visited said child in the home of the petitioner at reasonable intervals and has submitted to the court a further written report of its findings relative to the suitability of this adoption; that said interlocutory order of adoption has not been revoked; that it would not be to the best interest of the child to extend the period of the interlocutory order;

It is further ordered that a final decree of adoption be, and the same hereby is, entered in this matter and said interlocutory order of adoption is hereby made a part of this final decree of adoption.

It is further ordered that the name of said child be changed to Carol Ann Hollister, the full name by which said child shall be known after adoption.

It is further ordered that a certified copy of the decree and of the said interlocutory order of adoption, heretofore entered, together with a copy of said child's birth certificate filed with the petition, if the same was obtainable, be forwarded to the State department of health, division of vital statistics at Columbus, Ohio.

LOUIS TOBIN, *Probate Judge.*

THE STATE OF OHIO,
Columbiana County:

I, the undersigned, judge and ex officio clerk of the probate court within and for said county, and in whose custody the files, journals, and records of said court are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing entry is taken

and copied from the journal of the proceedings of said court; that the same has been compared by me with the original entry on said journal, and that it is a true and correct copy thereof.

In testimony whereof, I hereunto subscribe my name officially and affix the seal of said court, this 2d day of March 1956.

LOUIS TOBIN,
Judge and ex officio Clerk.
[SEAL] LOIS MACHLIN,
Deputy Clerk.

Rosa Ehrlich—H. R. 2511, by Mr. Scherer

The beneficiary is a 76-year-old widow who is a native of Poland and a citizen of Greece. She resides with and is supported by her son, a lawfully resident alien in the United States. She has no close relatives abroad.

The pertinent facts in this case are contained in a letter dated May 12, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 12, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2511) for the relief of Rosa Ehrlich, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that a number be deducted from the appropriate immigration quota. The alien is chargeable to the quota of Poland.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROSA EHRLICH, BENEFICIARY OF H. R. 2511

Rosa Ehrlich was born on April 16, 1880, at Mali, Bozic, Poland. She acquired Greek citizenship through marriage and last resided in Cairo, Egypt. She is now widowed and resides with her son, Max Zimmer, a legal resident alien, at 1827 Clinton Avenue, Bronx, N. Y. She has no income nor financial assets and is supported by her son, who has a net income of $8,000 annually from 2 gift shops and has cash savings of $40,000. Her education consisted of 6 years of elementary schooling in Poland. Her only close relatives are the son and two married granddaughters. The latter are United States citizens and reside in Cincinnati, Ohio.

The beneficiary last entered the United States on August 26, 1950, at New York, N. Y., when she was admitted as a temporary visitor. She received several extensions of her stay, the last of which expired on December 19, 1951. Deportation proceedings were instituted against her on June 24, 1952, on the charge that, after admission as a visitor, she had remained longer than permitted. After a hearing she was found deportable on May 12, 1953, and an order was entered granting her the privilege of voluntary departure with the alternative of deportation, should she fail to depart voluntarily. The subject is 75 years of age and presently in poor health. Private bills, H. R. 7666, 82d Congress, 2d session, and H. R. 5243, 83d Congress, 1st session, were introduced in her behalf.

Mr. Scherer, the author of H. R. 2511, appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of his measure, stressing the fact that the beneficiary is advanced in years and resides with her only living relative.

Mr. Scherer also submitted the following statements in support of this legislation.

MAX ZIMMER'S GIFT SHOP,
Bronx, N. Y., May 8, 1956.

To Whom It May Concern:

I, the undersigned, Max Zimmer, citizen of the United States, owner of the Max Zimmer's Gift Shop, located at 738–740 East Tremont Avenue, Bronx, N. Y., declare herewith, that I will bequest to my mother, Mrs. Rosa Ehrlich, 77 years old, full support and financial aid throughout her life. I am my mother's only means of support.

MAX ZIMMER.

MAX ZIMMER'S GIFT SHOP,
Bronx, N. Y., May 8, 1956.

Representative GORDON SCHERER.

DEAR SIR: Rosa Ehrlich is 77 years old. She has been under doctor's care for 5 years. She has no means of support or finances. Her son Max Zimmer, who lives in the United States, is her only living child. He is her sole means of support, and can guarantee to support her.

She has been persecuted by the Nazis and has had to flee from them from one country to another. Her whole family has been killed by the Nazis, except her son Max Zimmer, who escaped and owns a gift and furniture store in Bronx, N. Y.

Rosa Ehrlich doesn't have anybody alive only her son Max, who is a citizen of the United States and is in the situation to maintain in all ways his mother.

AFFIDAVIT

STATE OF OHIO,
Hamilton County, ss:

Now comes Helen Ostrow, residing at 795 North Crescent Avenue, Cincinnati, Ohio, who being first duly cautioned and sworn, deposes and states that Rosa Ehrlich is her grandmother.

Your affiant further states that Rosa Ehrlich is an elderly woman and chronically ill.

Your affiant further states that Rosa Ehrlich has only one son upon whom she depends for all of her maintenance and support, the said son being Max Zimmer.

Your affiant further states that after fleeing from the Nazis in Germany, she found refuge in Egypt; however, she has no relatives in Egypt upon whom she could depend for maintenance or support.

Your affiant further states that she has discussed the problem of support and maintenance with Max Zimmer and he has given his assurance that he will support his mother and guarantee that she will never become a public charge.

HELEN OSTROW.

Sworn to before me and subscribed in my presence this 17th day of May 1956.

[SEAL] JOSEPH X. SCHWARTZ,
Notary Public, State of Ohio.

Irma Fontanini Citti—H. R. 2739, by Mr. Gubser

The beneficiary is a 69-year-old widow, a native and citizen of Italy who was admitted to the United States as a visitor in 1953. She resides in California with her only son, who is a lawfully resident alien in the United States.

The pertinent facts in this case are contained in a letter dated October 1, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 9991) pending during the 83d Congress for the relief of the same person. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 1, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9991) for the relief of Irma Fontanini Citti, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the San Francisco, Calif., office, which has custody of that file.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As a native of Italy, the beneficiary would be chargeable to the quota of that country.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILE CONCERNING IRMA FONTANINI CITTI, BENEFICIARY OF PRIVATE BILL H. R. 9991

The beneficiary, Irma Fontanini Citti, a widow, was born on August 19, 1886, at Lugliano, Lucca, Italy, and is a citizen of Italy. She came to the United States as a visitor September 19, 1953, and has a valid extension of stay to September 16, 1954.

Sponsor, Enrico Citti, is the only child of the beneficiary. He is a permanent resident alien, having been admitted at New York, N. Y., February 21, 1952. His wife and their two children followed to join him and were admitted for permanent residence on September 19, 1953. His mother came to this country with them.

Beneficiary is not employed. She is supported by her son, with the exception of a lifetime pension of 6,000 lira per month which she receives. She also owns a house and lot at Lugliano, Lucca, Italy, worth about 5,000 to 6,000 lira. She claims no assets in the United States. Her husband was deceased in Italy in 1938. In Italy she now has two brothers. In the United States she has her son, the sponsor, his wife, and their two children.

Sponsor was educated in France and Italy. The family resided for about 25 years in France before returning to Italy. He had no military service in Italy. He works now for the Southern Pacific Co. as a laborer in the repair department, at $1.53 per hour. His wife works for the Richmond Chase Co. in San Jose, Calif., as a cannery worker, during seasonal employment, for $1.32 per hour. Their assets consist of savings in the amount of $1,400, furniture worth about $500, and income from a small house and lot in Italy, which are owned by sponsor. They are presently renting a house at 317 Lenzen Street, San Jose, Calif., and the beneficiary resides with them.

Sponsor states he formerly was a member of the Partito Nassionale Fascista (Fascist Party) in Italy, but claims his membership was compulsory in order that he might retain employment.

Mr. Gubser, the author of H. R. 2739, appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of this legislation.

Mr. Gubser also submitted the following statements in support of this bill:

SAN JOSE, CALIF., *March 26, 1956.*

Re Mrs. Irma F. Citti, aged 69, 317 Lenzen Avenue, San Jose, Calif.

To Whom It May Concern:

Mrs. Irma F. Citti has been under my professional care since February 1954 for phsyical disturbances which have been gradually getting worse. She has been complaining of weakness, pain on right abdomen and pelvic distress. On physical examination there is a

marked tenderness on right upper abdominal quadrant, a large recurrent right inguinal hernia and prolaps of the uterus (third degree).

On several occasions I have been called to her home on account of severe gall bladder attacks. This patient will never be well without surgical repair and her conditions may gradually become worse. Due to her impairments she is in no condition to travel and her prognosis at the present is unfavorable.

EVARIST A. TURCO, M. D.

Subscribed and sworn to before me this 26th day of March 1956.

[SEAL] CHAS. J. RIGGIO, *Notary Public.*

My commission expires March 11, 1958.

AFFIDAVIT

I, Irma Fontanini Citti, hereby depose and say:

I came to the United States in September 1953. I came as a visitor and I knew that I would have to leave when my visa ran out. I did not want to do anything against the law.

I met Mrs. Eugenia Andriano in March 1954. I told her my troubles, that I was going back to Italy soon, but that I was worried about my living alone there because my health was declining, and there I would have nobody to take care of me. She felt very sorry for me and told me that she would think about the matter, and try her utmost to get the authorities to let me stay. This gave me some hope, and of course, ever since then I have been praying that it would come about that I might be able to stay with my son, my daughter-in-law, and my grandchildren who love me very much and hate to have me leave. But, before I met Mrs. Andriano I did not think it possible that I could stay.

IRMA FONTANINI CITTI.

The foregoing was read by me to Mrs. Citti and translated into the Italian language. I understand and speak the English and Italian languages.

[SEAL] _____ _____,

Notary Public and Translator.

My commission expires October 8, 1957.

AFFIDAVIT

I, Enrico Citti, hereby depose and say:

I was born in Marseilles, France, on November 13, 1909.

I entered the United States on February 21, 1952, and arrived in San Jose, Calif., on February 24, 1952. Four days later, on February 28, 1952, I went to work for the Southern Pacific Railroad Co. and have always kept my job at the same place and have been only 1 day absent from my work and that was because I had to accompany my mother to the Immigration Service office in San Francisco.

I reside with my family at 317 Lenzen Avenue, San Jose, Calif. I have lived in this same house since October 1, 1952. My wife's name

is Engi Citti, and my children are Irma and Flora. Both my daughters attend Jefferson Elementary School in San Jose, and I attend a course in American citizenship.

My mother is Irma Fontanini Citti; she was born in Italy, lived for 25 years in France, and was widowed in 1938.

My mother had one sister who died in 1950. She has two brothers in Italy from whom she has been estranged for a long period of time, the relations becoming strained at the time of the partition of their property when the older Fontaninis died. Neither one of these two brothers could possibly render her any assistance or care whatsoever.

One brother, the older one, is named Oliviero Fontanini. He married in 1921 and has two sons. He was separated from his family in 1939 because of his wife's desertion. He has no fixed residence but moves about. He saws lumber by hand in the high mountains and goes from one place to another wherever the trees are. He has no fixed wage because he works by piecework, and when the weather is bad he does not work at all.

The other brother is Fioavante Fontanini. He married in 1922 and has one son. The year he separated from his family I do not know, but in 1927 when I went from France to Italy he was already separated. As far as I know, this brother lives in Milano, Italy, about 400 miles from my mother's hometown of Lucca in Tuscany. I do not know his address; neither does my mother, and I nor she would be able to locate him. I have not seen him for a number of years, and he has never written.

In Italy my mother would have no family to look after her, but would be alone at a time when she requires attention and care.

ENRICO CITTI.

Subscribed and sworn to before me this 31st day of March 1956.

[SEAL] ——— ———.

My commission expires October 8, 1957.

AFFIDAVIT

I, Eugenia Andriano, hereby depose and say:

I was born in Italy and am 75 years old.

I reside at 28050 Purissima Avenue, Los Altos, Calif., where my daughter, Edna Andriano, and I maintain a 35-acre farm.

I was born in 1880.

I emigrated to the United States in 1890, after an elementary education in Italy. I continued my schooling of high-school level at Menlo Park, Calif.; attended Heald's Business College in San Francisco, Calif.

I was married in 1900. My husband and I became American citizens in 1905. We went through the earthquake and fire of San Francisco in 1906, when we had a restaurant business, in which business we continued until 1922 when we moved to my present farm.

I was widowed in 1931, the mother of three children, Edna, Leo, and Louis, all American born; Louis, the youngest, at the age of 19 made the supreme sacrifice in World War II in Germany in 1945.

This affidavit is made on behalf of Mrs. Irma Fontanini Citti. I have known the Cittis since March 1954 when they were introduced to me by a mutual acquaintance. I knew at that time that Enrico Citti, his wife, and his children were in this country as permanent residents, but that Enrico's mother, Mrs. Irma Fontanini Citti had come here as a visitor.

Mrs. Irma Fontanini Citti knew at the time I met her that she was here on a temporary visitor's visa. I have no doubt whatsoever in my mind that she never had any intention to violate our laws, but intended to go back to Europe upon the final expiration of her visa. The Cittis are law-abiding people and none of them would have had any thought of violating the law by having the old lady overstay her visa.

I am also certain that none of the Cittis had any idea about private bills, least of all Mrs. Irma Citti, who speaks very little English and has absolutely no knowledge of technical aspects of the workings of our Government. I know this with absolute certainty because it was my idea that a private bill be introduced, as I shall now describe in detail.

I got to know Mrs. Citti because I speak Italian well. She told me she was returning to Italy because her visa was going to expire. She told me she was worried because her health was failing and over there she would be alone. I could see old age had caught up with her; she described to me her ailments, and I realized that she needed to make her home with her son and his family. Definitely, I say, it would be a severe hardship for Mrs. Citti to return to Italy. She certainly could not make the trip alone, nor live alone afterwards because she needs attention and care.

My heart went out to her and to the ones she was leaving back who would worry continuously about her. She and I were of the same age, of the same native land, and spoke the same language. When I put myself in her place, and pictured her far away from her loved ones, all alone, and her health failing, I was very sorry for her. I wanted to help her, but how? The Cittis would not think of violating the law and neither would I. They knew and I knew the quota was full.

As I was thinking and pondering over their case, I happened to read a newspaper item in the San Jose Mercury of April 8, 1954, about 3 bills sponsored by Congressman Gubser in connection with 3 immigration cases approved by the House Judiciary Committee; and then again in a subsequent issue of this same newspaper on April 27, 1954, another item about the same bills that were passed by the House. That gave me the idea of a private bill in behalf of Mrs. Citti as a way in which the whole family could stay together. I spoke to Enrico Citti about it and then wrote to a Washington attorney, whom I knew through mutual friends, for advice. He checked with Congressman Gubser's office and then informed me that if I were to make the request, Congressman Gubser would introduce the bill. I then wrote Congressman Gubser and he did introduce the bill.

In conclusion, I want to emphasize again that the Cittis had no intention to violate the law in any way. Mrs. Irma Citti would have left the United States upon expiration of her visa if I had not gotten interested in her problem and if Congressman Gubser had not been so kind as to introduce a bill.

EUGENIA ANDRIANO.

STATE OF CALIFORNIA,
County of Santa Clara, ss:

On this 23d day of March in the year one thousand nine hundred and fifty-six, before me, Alice H. Freedman, a notary public in and for the said county of Santa Clara, State of California, residing therein, duly commissioned and sworn, personally appeared Eugenia Andriano, known to be to me the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal in the said county of Santa Clara the day and year in this certificate first above written.

[SEAL] ALICE H. FREEDMAN.

My commission expires December 1, 1957.

Hesna Hun—H. R. 5775, by Mr. Mack of Illinois

The beneficiary is a 71-year-old native and citizen of Turkey who was admitted to the United States as a visitor in 1950 for the purpose of receiving medical treatment for glaucoma and cataract. The treatment was unsuccessful and she is now totally blind. She resides with and is supported by her daughter and son-in-law.

The pertinent facts in this case are contained in a letter dated June 14, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

JUNE 14, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7937) for the relief of Hesna Hun, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Louis office of this Service, which has custody of those files.

The bill is intended to confer the status of lawful permanent residence upon the alien, upon payment of the required visa fee. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

As a quota immigrant the alien would be chargeable to the quota of Turkey.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HESNA HUN, BENEFICIARY OF H. R. 7937

The beneficiary, Hesna Hun, is a 69-year-old woman, a native and citizen of Turkey, born December 24, 1884, at Izmir, Turkey. Her last residence in her native Country was at No. 3 Sakir Bey Apartment, Koyici, Besiktas, Istanbul, Turkey.

She last entered the United States at the port of New York on September 30, 1950, as a visitor for the purpose of securing medical treatment, and was admitted for a period of 3 months. An application for extension of her temporary stay was denied by the district director, Chicago, Ill., in an order dated March 13, 1951. The alien failed to depart in accordance with said order and deportation proceedings were instituted which resulted in an order by the hearing officer granting the alien voluntary departure from the United States in lieu of deportation being issued. This order was upheld by the Board of Immigration Appeals in a decision dated September 1, 1953.

The alien whose purpose in coming to the United States was to seek medical treatment for glaucoma and cataract is now totally blind, and in addition has developed a severe bladder disability. She is residing with her daughter, Mrs. Perihan Ozyurt, and son-in-law, Muhittin Ozyurt, who are providing her with a home and all financial aid necessary for her welfare.

Mr. Mack of Illinois, the author of H. R. 5775, submitted the following statement in support of his bill:

STATEMENT OF CONGRESSMAN PETER F. MACK, JR., IN SUPPORT OF H. R. 5775

Mr. Chairman, the following information is supplied to assist the committee in its consideration of H. R. 5775 for the relief of Hesna Hun.

Hesna Hun is a 71-year-old female native and citizen of Turkey. She was permitted to enter the United States at the port of New York on September 30, 1950, for the purpose of securing medical treatment for glaucoma and cataract. Operations were performed in her homeland in an effort to remedy her visual defect, but were unsuccessful. Similar surgery performed in this country was likewise unsuccessful, and she is now totally and permanently blind. The subsequent development of a serious bladder ailment has combined with her loss of sight to make her totally incapacitated. Since her entry into the United States, she has been, and is now, residing with her daughter, Mrs. Perihan Ozyurt, and son-in-law, Muhittan Ozyurt, who provide her with medical attention, the comforts of home and all financial aid necessary for her welfare.

Muhittan Ozyurt has been employed by the State of Illinois since September 10, 1947. His present employment classification is that of bridge designer, CE–3, with the State of Illinois Division of Highways, Bureau of Design, Springfield, Ill., at a monthly salary of $570. Mr. Ozyurt and his wife have expressed their profound desire to continue to maintain Hesna Hun as a member of their family.

The deportation of this blind, infirm, and aged woman, whose physical condition is worsening daily, would invoke hardship beyond comprehension. It would, in the coldest light of indifference, require the immigration authorities to transport her by ambulance from Springfield, Ill., to New York City in the company of someone qualified to administer almost hourly medication and to attend her needs; there to embark alone on a friendless journey to a now friendless land to live out the autumn years of her life.

I believe such a change in her already grim day-to-day existence would constitute a peril to her very life. To grant the relief sought will be to offer her immeasurable happiness and mental tranquillity for the rest of her life at the expense of no one except her loved ones.

I, therefore, respectfully urge this committee's favorable consideration of H. R. 5775.

Mr. Mack also supplied the committee with the following affidavit and letter in support of this legislation:

AFFIDAVIT

STATE OF ILLINOIS,
County of Sangamon, ss:

Muhittin Ozyurt and Perihan Ozyurt, being first duly sworn on oath, depose and state that they reside in Springfield, Ill.; that they are legal age, and that they are the son-in-law and daughter, respectively, of one Hesna Hun.

Affiants further state that the said Hesna Hun, who has resided in their home in Springfield, Ill., since September 30, 1950, is now 71 years of age and is totally blind; that her physical condition otherwise remains the same as previously reported by attending physicians to the United States immigration authorities.

Affiants further state that they are advised by authorities that they will obtain United States citizenship status within the next month more or less.

Affiants further state that Muhittin Ozyurt is presently employed by the State of Illinois and has so been employed for 7 years last past; that he holds civil-service status in said employment and earns a monthly wage of $570.

Affiants further state that they are financially and otherwise able to care for the said Hesna Hun so long as she maintains residence with them, and they give assurance the said Hesna Hun will not become a public charge.

Further affiants sayeth not.

MUHITTIN OZYURT.
PERIHAN OZYURT.

Subscribed and sworn to before me this 9th day of May 1956.

[SEAL] WILLIAM P. SHEEHAN, *Notary Public.*

CARLE HOSPITAL CLINIC,
Urbana, Ill., May 21, 1956.

Hon. PETER F. MACK, Jr.,
House Office Building, Washington, D. C.

DEAR SIR: Mrs. Hesna Hun of 1414 Monument Avenue, Springfield, Ill., was first brought to see me on October 5, 1950.

On examination Mrs. Hun was found to have bilateral cataracts. I thought she was, in all probability, blind but the cataract extraction was performed in an attempt to salvage any sight that remained. She was, unfortunately, found to be totally and completely blind and remains in that condition. There is no prospect whatsoever of her regaining her sight.

Yours very truly,

G. LEROY PORTER, M. D.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 627) should be enacted.

O

Calendar No. 2477

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2443

TO FACILITATE THE ADMISSION INTO THE UNITED STATES OF CERTAIN FIANCES OF UNITED STATES CITIZENS

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 638]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 638) to facilitate the admission into the United States of certain fiances of United States citizens, having considered the same, reports favorably thereon without amendment and recommends that the joint resolution do pass.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution is to provide for the admission into the United States of 8 aliens, who are the fiances of United States citizens, and 4 minor children of certain of the fiances.

STATEMENT OF FACTS

The following facts in each case included in the joint resolution were contained in House Report 2341 (84th Cong., 2d sess.):

Shizuko Hamaoka—H. R. 3158, by Mr. Dollinger

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., July 7, 1954.

File No. 0300-440917

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 706) for the relief of Shizuko Hamaoka, there is attached a memorandum of information concerning the beneficiary. This memorandum has

been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill provides that the immigration laws relating to exclusion of aliens inadmissible because of race shall not apply to Shizuko Hamaoka, and further that she be allowed to enter the United States as a visitor for a period of 3 months within which she is to marry Leo E. Minnis, if otherwise admissible, and that in the event she does so, her lawful admission for permanent residence shall be recorded as of the date of payment of the required visa fee and head tax. It is further provided that in the event she does not marry Leo E. Minnis within 3 months after entry, she shall be required to depart from the United States, and, upon her failure to do so, shall be deported in accordance with the provisions of sections 19 and 20 of the Immigration Act of 1917, as amended.

It should be noted that the Immigration and Nationality Act does not provide for the exclusion of any person because of race nor does it require the payment of head tax. In addition, that act has superseded the deportation provisions of the Immigration Act of 1917, as amended, in view of which the cited provisions of sections 19 and 20 of the 1917 act are no longer applicable.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SHIZUKO HAMAOKA, BENEFICIARY OF H. R. 706

Shizuko Hamaoka, a native and citizen of Japan, was born on November 5, 1923, in Japan. She has never been in the United States.

The following information was furnished by Mr. Leo E. Minnis, her sponsor, to whom the beneficiary is engaged to be married:

He was born on April 17, 1923, in West Virginia and is a citizen of the United States. He was in the military service of the United States from 1943 to 1946 and from 1951 to April 30, 1953, when he was placed on the temporary disability retired list by reason of physical disability. He was stationed in Japan from September 1951 to March 1952 when he was returned to the United States because of illness. Mr. Minnis is presently attending school to become a tailor. He is not employed but receives a 100 percent disability retirement pay from the Army, amounting to $172.50 per month. He has assets of $600 in cash, and he has been granted permission by the United States Army to visit Japan. He has furnished Miss Hamaoka with $900 for her travel expense to the United States.

He has been engaged to marry Miss Hamaoka since 1951. They were to be married in Japan but when he became ill he was returned to the United States. She has a high-school education but is attending school to learn the English language. She resides with her father, Tseuzo Hamaoka, her mother, and three brothers at 62 Nishi Hinokuchi Cho, Tanaka Sakyo Ku, Kyoto, Japan.

Sumiko Takae—H. R. 4323, by Mr. Curtis of Missouri.

DECEMBER 14, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9083) for the relief of Sumiko Takae, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Louis, Mo., office of this Service which has custody of those files.

The bill would permit the beneficiary to obtain a nonimmigrant visa and temporary admission to the United States with such visa for a period of 3 months provided it is found that she is coming to the United States with a bona fide intention of being married to her fiance, John Stafford, a United States citizen, and that she is otherwise admissible under the immigration laws. In addition, the bill provides that if the beneficiary does not marry John Stafford within 3 months after her entry, she shall be required to depart from the United States and upon failure to do so she shall be deported in accordance with the provisions of sections 241 and 242 of the Immigration and Nationality Act. Furthermore, if the marriage does occur within the 3-month period, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the beneficiary as of the date of the payment by her of the required visa fee.

The beneficiary is chargeable to the quota for Japan.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING SUMIKO TAKAE, BENEFICIARY OF H. R. 9083

Information concerning the beneficiary was furnished by her fiance, John Stafford, who resides at 753 Westgate, St. Louis, Mo.

The beneficiary was born in Osaka, Honshu, Japan, on November 7, 1930. She has never been in the United States and is presently residing at 76, 9–Chome Taisho-Dari Taisho-Ku Osaka City, Honshu, Japan Her fiance, John Stafford, was born at Breslau, Germany, on May 26, 1930 He was admitted to the United States for permanent residence as a displaced person on November 28, 1947. He acquired United States citizenship through the naturalization process on November 6, 1953. He served honorably with the United States Army from August 10, 1951, to August 9, 1953. Prior to his discharge he received shrapnel wounds while serving in Korea and as a result he was hospitalized at the Osaka Hospital, Osaka, Honshu, Japan. It was there that he met the beneficiary in about 1952. She was employed at that time at the officers' club at the hospital. They kept company until June 1953, when John Stafford was returned to the United States. Since his return he and the beneficiary have cor-

responded frequently with each other. Mr. Stafford has indicated that the beneficiary is employed at this time as a maid for an American Army officer and his wife in Japan.

The beneficiary's fiance is employed as a clerk at Marx-Haas Korrekt Co. of St. Louis, Mo., and receives a salary of $205 a month. He also receives a pension of $109 a month from the Veterans' Administration as he has been classified as having a 60 percent disability. Mr. Stafford indicated that he has approximately $3,000 in the bank.

DEPARTMENT OF STATE,
Washington, D. C., December 17, 1954.

In reply refer to VO 150 Takae, Sumiko.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to previous correspondence concerning the case of Sumiko Takae, beneficiary of H. R. 9083, 83d Congress, 2d session.

A further communication has been received from the American consulate general at Kobe, Japan, reporting that Miss Takae called at the consulate general and expressed the hope that she should eventually be able to proceed to the United States for the purpose of marrying John Stafford. Miss Takae also stated that she met her fiance in May 1952 and that his application for permission to marry had been refused by the appropriate military authorities because he was a German national at that time and would not have been able to effect her entry into the United States as a nonquota immigrant. Miss Takae added that Mr. Stafford was naturalized as an American citizen in December 1953.

The Department has no information at this time from which it could be ascertained if Miss Takae would be eligible in all respects to receive a visa.

Sincerely yours

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Reiko Kurachi and Kiyomi Kurachi—H. R. 5157, by Mr. Lesinski

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 23, 1955.

File No. A8855524

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5157) for the relief of Reiko Kurachi, there is attached a memorandum of informa-

tion concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would provide that the beneficiary shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months, provided the administrative authorities find that she is coming to the United States with the intention of being married to Mr. Robert H. Jubenville, a citizen of the United States.

The bill further provides that in the event the marriage takes place within 3 months after the beneficiary enters the United States, that a record of her lawful admission for permanent residence may be created upon payment of the required visa fee.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE REIKO KURACHI, BENEFICIARY OF H. R. 5157

Information concerning the beneficiary has been furnished by her fiance, Robert A. Jubenville, a citizen of the United States.

The beneficiary, a native and citizen of Japan, was born November 7, 1930. She has never been married. Her parents, both Japanese citizens, reside in Kushu, Japan, where her father is employed as a schoolteacher. Miss Kurachi resides in Tokyo, Japan, and is employed as a typist by a Japanese firm. She has a high-school education.

Mr. Robert A. Jubenville, the beneficiary's fiance, a native citizen of the United States, was born June 7, 1930. He is single and resides with his father at 536 Pine Street, Wyandotte, Mich. His mother is deceased and he has 2 brothers and 2 sisters. Mr. Jubenville has a high-school education and is presently employed by Grinnel Bros., in Detroit, Mich., as a Hammond organ technician. His salary is $75 per week, and he has no assets. Mr. Jubenville enlisted in the United States Air Force on January 5, 1951, and was stationed in Japan from November 16, 1951, to April 19, 1954. He received an honorable discharge in December 1954.

Mr. Jubenville has testified that he first met the beneficiary in March 1952 and that he saw her on an average of three times each week until he returned to the United States. He became engaged to the beneficiary in December 1953, but they were not able to complete the necessary arrangements to enable them to marry prior to his return to the United States. He further testified that he helped the beneficiary financially while he was in Japan and now sends her about $35 per month.

DEPARTMENT OF STATE,
Washington, November 7, 1955.

In reply refer to VO 150 Kurachi, Reiko.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 30, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Reiko Kurachi, beneficiary of H. R. 5157, 84th Congress, 1st session.

A report recently received by the Department from the American Embassy at Tokyo, Japan, states that the above-named alien married Seiichiro Kurachi on June 3, 1944, and that a son, Kiyomi Kurachi, was born on April 1, 1945. Seiichiro Kurachi died on January 17, 1945, and the subject alien was given parental authority over the child. The subject alien was interviewed on May 6, 1955, and indicated her desire to go to the United States in order to marry her fiance, Robert A. Jubenville.

As the nonpreference category of the quota for Japan is oversubscribed, it is anticipated that Mrs. Kurachi would undergo a considerable period of waiting before a number could be allotted for her use.

It should be noted that H. R. 5157 does not mention the subject alien's son, Kiyomi Kurachi. The status of the child should be clarified as he would not qualify for admission into the United States until after the marriage of his mother to Mr. Jubenville.

At the present time there is no information in the Department's file from which it could be ascertained whether or not Mrs. Kurachi would be eligible in all respects to receive a visa as a nonimmigrant temporary visitor.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Noriko Shimizu—H. R. 6192, by Mr. McDonough

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., July 19, 1955.

File No. A-8957813

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6192) for the relief of Noriko Shimizu, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of that file.

The bill would permit the beneficiary to enter the United States as a nonimmigrant for a temporary period of 3 months, provided that the administrative authorities find that she is coming to the United States with a bona fide intention of being married to Fred

T. Nakagawa, a citizen of the United States, and that she is otherwise admissible under the immigration laws. The bill provides that if the marriage between her and Fred T. Nakagawa does not occur within 3 months after her entry, she shall be required to depart from the United States and, upon failure to do so, shall be deported. The bill would also grant her permanent residence in the United States upon payment of the required visa fee, provided she and Fred T. Nakagawa are married within 3 months after her entry into the United States.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE NORIKO SHIMIZU, BENEFICIARY OF H. R. 6192, 84TH CONGRESS

The beneficiary is residing abroad. Mr. Fred Takeo Nakagawa, who is the fiance of the beneficiary, has furnished the following information:

Noriko Shimizu, a native and citizen of Japan, was born on August 7, 1930. She is single and has no dependents. She resides at Ainomachi Hanayacho, Kyoto, Japan. Miss Shimizu is a stenographer. She is not employed at present and is supported by her parents. Her educational background and financial status are not known. She has no relatives residing in the United States. Her parents and a brother, natives and citizens of Japan, reside in Japan.

Mr. Fred Takeo Nakagawa was born at Sunnydale, Idaho, April 3, 1930, and is a citizen of the United States. He is single and has no dependents. He resides with his parents at 3909 Mont Clair Street, Los Angeles, Calif. He is employed as a wrapping-machine operator at Ralph's Bakery, Los Angeles, Calif., and earns $67 a week. Fred Takeo Nakagawa attended elementary and high school and is now attending National Schools, Los Angeles, Calif. He has no assets other than an automobile valued at $2,500, encumbered in the amount of $1,000. He served honorably in the United States Marine Corps from July 1948 until July 1952, including service in Japan and Korea.

DEPARTMENT OF STATE,
Washington, August 11, 1955.

In reply refer to VO 150 Shimizu, Noriko.

Hon. EMMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 24, 1955, and its enclosures, wherein you requested a report of the facts in the case of Miss Noriko Shimizu, beneficiary of H. R. 6192, 84th Congress, 1st session, and to my letter of July 28, 1955.

There is enclosed a copy of a self-explanatory communication dated July 12, 1955, from the American consulate general at Kobe, Japan.

As the quota for Japan is oversubscribed, it is anticipated that Miss Shimizu would undergo a considerable period of waiting before a number would be allotted for her use.

At the present time there is no information in the Department's files from which it would be ascertained whether or not Miss Shimizu would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Enclosure from American consulate general at Kobe, Japan, July 12, 1955.

OPERATIONS MEMORANDUM

JULY 12, 1955.

To: Department of State.
From: AMCONGEN, Kobe, Japan.
Subject: Visas: Immigrant case of Miss Noriko Shimizu.
Reference: Kobe's OMV–121 dated June 28, 1955; Department's OMV–117 dated June 14, 1955.

Miss Shimizu recently called at the consulate general and during the course of an interview with a consular officer stated it was her desire to proceed to the United States as soon as possible for the purpose of marrying Mr. Fred T. Nakagawa.

The applicant met Mr. Nakagawa at a party in the summer of 1950. That occasion was the only time she saw her fiance, as he departed for the United States shortly thereafter. However, since his departure they have been in continual correspondence culminating in a proposal of marriage in the spring of 1952. They became engaged in early 1953.

Miss Shimizu is currently living with her family in Kyoto and is employed by the United States Army in Osaka, Japan.

Mieko Furukubo and Jimmy Furukubo—H. R. 6553, by Mr. Dondero

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., January 5, 1956.

File No. A–8861496.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6553) for the relief of Mieko Furukubo, and her minor child, Jimmy Furukubo, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Detroit, Mich., office of this Service, which has custody of those files.

The bill provides that Mieko Furukubo and her minor son, Jimmy Furukubo, shall be eligible for visas as nonimmigrant temporary visitors for a period of 3 months if the adult beneficiary is coming to the United States with a bona fide intention of being married to her United

States citizen fiance, James A. Trailer, and they are found to be otherwise admissible.

The bill further provides that in the event the marriage between the above-named persons shall occur within 3 months after the entry of the beneficiaries, a record of their lawful admission for permanent residence shall be created upon the payment of the required visa fees. In the event the marriage does not occur within 3 months after the entry of the beneficiaries, they shall be required to depart from the United States and, upon failure to do so, shall be deported.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MIEKO FURUKUBO AND HER MINOR CHILD, JIMMY FURUKUBO, BENEFICIARIES OF H. R. 6553

Information relating to the beneficiaries has been obtained from James A. Trailer, 23625 Hunters Lane, Detroit, Mich.

Mieko Furukubo and her minor son, Jimmy Furukubo, natives and citizens of Japan, were born on January 17, 1933, and November 1952, respectively. The adult beneficiary, who is unmarried, and her child reside with her mother, two brothers, and a sister in Japan. She is unemployed, has no income or assets, and is dependent on Mr. Trailer for her own and her son's support. The adult beneficiary attended school until she was 16 years of age. Neither of the beneficiaries has ever been in the United States. Miss Furukubo resided in Manchuria with her family for several years and returned to Japan in 1945. Her father was employed on the Manchurian Railroad.

James A. Trailer was born on June 8, 1929, in Detroit, Mich. He has never been married. He is employed by the Diesel Engine Division of the General Motors Corp., Detroit, Mich., as a basic engine tester and earns $82 per week. He has no other income or assets.

The sponsor joined the United States Coast Guard on September 25, 1946, and received an honorable discharge on September 26, 1949. On December 22, 1950, he enlisted in the United States Army, served in Japan and Korea from July 1951 until July 1954, and was honorably discharged on December 13, 1954. He reenlisted in the United States Army on February 1, 1955, and received an honorable discharge on April 26, 1955.

Mr. Trailer has testified that he met the adult beneficiary in October 1951 and that they lived together as man and wife from January 1952 until he returned to this country in July 1954. He further testified that as a result of his liaison with the adult beneficiary, his son Jimmy, the minor beneficiary, was born in November 1952; that he sends the beneficiaries between $50 and $100 each month; and that he intends to marry the adult beneficiary if and when she is admitted to the United States.

DEPARTMENT OF STATE,
Washington, D. C., November 3, 1955.

In reply refer to VO 150 Furukubo, Mieko.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to the Department's letter addressed to you dated October 25, 1955, concerning the case of Miss Mieko Furukubo and her minor son, Jimmy, beneficiaries of H. R. 6553, 84th Congress, 1st session.

On October 5, 1955, Miss Furukubo called at the American consulate general at Kobe, Japan, and was interviewed by a consular officer. She stated that she was engaged to Mr. James A. Trailer and that she desired to proceed to the United States for the purpose of marrying him.

Miss Furukubo met Mr. Trailer in September 1951, while he was in military service, and they became engaged in February or March 1952. A son, of which Mr. Trailer is the father, was born in November 1952. Mr. Trailer departed for the United States in June 1954, before he was able to complete the necessary military requirements for marriage. Miss Furukubo is presently unemployed and is living with her son at the home of her mother. She has in the past been ill and under a doctor's care.

As the nonpreference category of the quota for Japan is oversubscribed, it is anticipated that Miss Furukubo and her son, Jimmy, would undergo a considerable period of waiting before numbers could be allotted for their use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Miss Furukubo and her minor son, Jimmy, would be eligible in all respects to receive visas as nonimmigrant temporary visitors.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

23625 HUNTERS LANE,
Detroit 19, Mich., June 4, 1955.

To Whom It May Concern:

In October of '51, while serving with the United States Army at Camp Crouch, Yamaguchi, Japan, I was introduced to Miss Mieko Furukubo by a mutual friend. Mieko, at this time, was residing with this friend.

A law was passed allowing American servicemen to marry Japanese girls providing the girl had the consent of her parents if she were not 21. Mieko was not 21 yet, nor would her mother give her consent. Mieko's mother believed that there were too many differences in custom, culture, and the people of the two nations. She said she was afraid that her daughter would become lonely and homesick if she were to consent for her to marry me and come to the United States. Mieko's father was deceased.

(Signed) JAMES A. TRAILER.

STATE OF MICHIGAN,
County of Wayne, ss:

On this 6th day of June, A. D. 1955, before me personally appeared James A. Trailer to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

WELD S. MAYBEE, Jr.,
Notary Public, Wayne County, Mich.

My commission expires February 1, A. D. 1959.

DETROIT, MICH., *June 1, 1955.*

Subject: Character reference for Mr. James Trailer.

To Whom It May Concern.

GENTLEMEN: It has been my privilege to know Mr. James Trailer for the past 12 years and over, as his pastor. During these years I have had many opportunities to observe him closely. During this time I have observed that James Trailer has always been liked in his community. He gets along very well with his fellows. He is industrious, honest, dependable, and loyal. In all of these qualities, Mr. James Trailer, in my opinion, has an excellent rating. Morally, James Trailer has a superior rating. As a final word in regard to the character of James Trailer, I would say you just can't go wrong with fellows like Jim Trailer. If there are any other points that I have not covered in this letter concerning the character of Mr. James Trailer, but are desired by the person to whom this letter goes, I would very gladly submit them if asked. My wife, Mrs. Dorothy Marsh, shares with me the contents of this letter, in regard to the character of Mr. James Trailer, and will sign her name along with mine.

Sincerely,

CHARLES WM. MARSH,
Pastor, Southfield Baptist Church.
DOROTHY MARSH.

HEADQUARTERS,
674TH FIELD ARTILLERY BATTALION, AIRBORNE,
OFFICE OF THE CHAPLAIN,
APO 51, April 12, 1954.

Subject: Interview for marriage.
To: Commanding general, 187th Abn RCT, APO 51.
Prospective husband: James A. Trailer, Pfc. RA–16345090 A Battery, 674th Airborne RCT, APO 51. Age 24.
Prospective wife: Mie Furukubo, No. 85 Kita-Shintsuboi-machi, Kumamoto City, Japan. Age, 20.

1. The above-named persons appeared before me on April 12, 1954, for the chaplain's interview concerning the problems and responsibilities of marriage per paragraph (10), Circular 40, Headquarters, United States Armed Forces Far East, dated February 13, 1954, as amended.

2. Counseling and instructions were given to the couple with special emphasis on the peculiar problems and difficulties which they might encounter in their married relationship.

3. According to the information given in this interview, they are of the ages indicated above, and have known each other for 30 months.

4. One child was born to this couple during their extramarital relationships. This couple realizes that their relationship was wrong and in the brief scope of this interview expressed a healthy attitude toward marriage.

FRANKLIN T. GOSSER,
Chaplain (Captain), USAR.

Mieko Kii and her minor child—H. R. 7142—Mr. O'Brien of New York

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7142) for the relief of Mieko Kii and her daughter, Grace, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would provide that Miss Mieko Kii, the fiance of Ray R. Ody, a citizen of the United States, and her minor child, Grace, shall be eligible for visas as nonimmigrant temporary visitors for a period of 3 months: "*Provided*, That it is found that Mieko Kii is coming to the United States with a bona fide intention of being married to Ray R. Ody and that they are found otherwise admissible under the immigration laws." The bill would further provide that in the event the marriage between the above-named persons does not occur within 3 months after entry, the beneficiaries shall be required to depart from the United States. In the event the marriage between the above-named persons shall occur within 3 months after entry, the beneficiaries shall be held and considered to have been lawfully admitted to the United States for permanent residence upon payment of the required visa fees.

As quota immigrants the beneficiaries would be chargeable to the quota for Japan.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MIEKO KII, BENEFICIARY OF H. R. 7142

Information concerning the case was obtained from Mr. Ray R. Ody, fiance of the beneficiary, Mieko Kii.

The beneficiary, who is also known as Mieko Ody, a citizen of Japan, was born on an unknown island near Formosa in August 1936. She was married to Ray Roy Ody, a United States citizen, in Osaka, Japan, on July 6, 1954. According to Mr. Ody, the marriage was performed in Shinto

ceremony only and was not recognized as a legal marriage by United States authorities. The couple have one child, Grace Toe Ody, born in Osaka, Japan, on April 29, 1955. Mieko Kii resides with her daughter at 84–4 Higashi, Tsumori-Cho, Osaka, Japan.

The beneficiary is not gainfully employed. She is supported by Mr. Ody, who sends her $30 each month. Mieko Kii attended elementary school in Japan for 12 years. She has no assets. Her parents, a brother, and two sisters, natives and citizens of Japan, reside in that country. Mr. Ody has testified that the beneficiary was employed for a period of 6 months during 1954 as a sales clerk in the Rykuyo Hotel, Kyoto, Japan.

Ray Roy Ody was born in Albany, N. Y., on December 2, 1934. He resides at 1808 South Osborne Street in Los Angeles, Calif., and is employed as a template fabricator by North American Aviation, Inc., Inglewood, Calif., at an hourly wage of $1.68. He owns assets valued at $1,000, which consist of savings, an automobile, and personal effects. His only dependents are the beneficiary and their daughter, Grace. His mother and sister, United States citizens, reside in New York. His brother, also a United States citizen, is presently serving in the United States Marine Corps. Mr. Ody attended elementary school and high school for 1½ years in Rensselaer, N. Y. He served in the United States Marine Corps from February 2, 1952, to February 2, 1955 when he was honorably discharged with the rate of private.

DEPARTMENT OF STATE,
Washington, October 31, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of July 18, 1955, and its enclosures, wherein you requested a report of the facts in the case of Miss Mieko Kii and her minor child, Grace, beneficiaries of H. R. 7142, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated October 12, 1955, from the American consulate general at Kobe, Japan.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Miss Kii and her daughter, Grace, would be eligible in all respects to receive visas as nonimmigrant temporary visitors.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

OCTOBER 12, 1955.

To: Department of State.
From: AMCONGEN, Kobe, Japan.
Subject: Immigrant case of Mieko Kii and her minor child, Grace.
Reference: ConGEN's OMV 25 dated September 26, 1955.

Miss Kii recently called at the consulate general and stated that, if possible, she desired to proceed to the United States for the purpose of marrying her fiance, Mr. Ray R. Ody. She indicated she would be reluctant to leave Japan unless her child, Grace, could accompany her.

Miss Kii stated she met her fiance in December 1953 while employed in an Army PX in Kyoto.

They were engaged in April 1954. Mr. Ody is the father of her child, Grace, who was born in May 1955.

It appears that Mr. Ody departed Japan in November 1954 and that prior to his departure he was unable to complete the various military requirements for marriage.

Miss Kii is currently unemployed and is presently residing at the home of her parent in Osaka.

Ryoko Nakayama and her minor child, Kaiichi—H. R. 7266, by Mr. Jones of Missouri.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 9, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7266) for the relief of Ryoko Nakayama and her minor child, Kaiichi, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the St. Louis, Mo., office of this Service, which has custody of those files.

The bill would authorize the admission of the beneficiaries into the United States for a period of 3 months as nonimmigrant temporary visitors provided Ryoko Nakayama is coming to the United States with the intention of marrying Robert B. Tate and provided that both beneficiaries are otherwise admissible under the Immigration and Nationality Act. The bill further provides that if the marriage occurs with 3 months following their entry into the United States, the beneficiaries shall be granted permanent residence upon payment of the required visa fees. It also directs that in the event the marriage does not occur within 3 months following their entry, the beneficiaries shall be required to depart from the United States.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE RYOKO NAKAYAMA AND CHILD, KAIICHI, BENEFICIARIES OF H. R. 7266

Information concerning this case was obtained from Mr. Robert B. Tate, fiance of Ryoko Nakayama and the father of Kaiichi Nakayama.

Ryoko Nakayama, a native and citizen of Japan, was born on June 6, 1936. She has never married. Kaiichi Naka-

yama, a native and citizen of Japan, was born on July 14, 1954. The beneficiaries are presently residing at Toya-Bunkyokai, Tenrikyo No. 9, 4 Chome Yotsuya, Shinjuku-ku, Tokyo, Japan.

Ryoko Nakayama is not gainfully employed. She completed junior high school in Japan. She has no income or assets. Her mother resides in Japan. Neither beneficiary has ever been in the United States.

Mr. Robert B. Tate was born on March 24, 1931 at Campbell, Mo., where he now resides. He completed elementary school and is employed as a bricklayer by his father. at a salary of $100 per week. He was arrested on April 12, 1952, at Bay City, Mich., on a disorderly charge and was sentenced to payment of a $10 fine or to imprisonment for 10 days. Mr. Tate served honorably in the United States Air Force from August 29, 1950, to August 17, 1954. He stated that he is the father of Kaiichi Nakayama and expects to marry Ryoko Nakayama if she is permitted to enter the United States.

DEPARTMENT OF STATE,
Washington, October 11, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of July 23, 1955 and its enclosures, wherein you requested a report of the facts in the case of Miss Ryoko Nakayama and her minor child, Kaiichi, beneficiaries of H. R. 7266, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated September 21, 1955, from the American Embassy at Tokyo, Japan.

At this time the Department has no knowledge of any factor in Miss Nakayama's case, other than the information contained in the enclosure, which would render her ineligible to receive a nonimmigrant visa as a temporary visitor. However, it should be borne in mind that any ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

SEPTEMBER 21, 1955.

To: Department of State.
From: AmEmbassy, Tokyo.
Subject: Visas: Case of Ryoko Nakayama.
Reference: Department's OMV–47, September 7, 1955.

Since the Embassy has no record of a visa application by Ryoko Nakayama or her minor child, Kaiichi, it invited her to appear at the Embassy for an interview.

Miss Nakayama stated that Robert B. Tate is the father of Kaiichi, that he applied for military permission to marry, that he had to leave Japan before permission could be obtained, and that it is her desire to go to the United States to marry her fiance. She stated that there had not been a marriage ceremony of any kind.

Since the Embassy's knowledge of the details of the case is limited in the absence of a visa application, it cannot make a formal recommendation. However, it can see no objection to the private bill on the basis of the available information.

Mutsuko Shinohara—H. R. 8082, by Mr. Seely-Brown

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 16, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8082) for the relief of Mutsuko Shinohara, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service, which has custody of those files.

The bill would provide that Mutsuko Shinohara, the fiance of Monroe R. Schaffer, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months provided that she is coming to the United States with the bona fide intention of being married to Monroe R. Schaffer and that she is otherwise admissible under the immigration laws. The bill would further provide that in the event the marriage does not occur within 3 months after entry, the beneficiary shall be required to depart from the United States and upon failure to do so, she shall be deported. In the event the marriage does take place within 3 months after the beneficiary's entry, a record of her lawful admission for permanent residence shall be recorded as of the date of payment of the required visa fee.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MUTSUKO SHINOHARA, BENEFICIARY OF H. R. 8082

Information concerning the case was obtained from Mr. Monroe R. Schaffer, the beneficiary's fiance.

Mutsuko Shinohara, a citizen of Japan, was born on December 9, 1934, in Fiukuoka-Ken, Japan. She has never been in the United States. She attended primary school for 8 years. The beneficiary has no relatives in the United States. She resides at the place of her birth with her parents and is dependent upon them for support.

Monroe R. Schaffer, a native and citizen of the United States, was born in Westbrook, Conn., on November 8, 1932. He completed 9 years of schooling. He served in the United States Army from January 6, 1953, to November 23, 1954, and was honorably discharged. Mr. Schaffer first met the beneficiary in December 1953, and after visiting her for 2 weeks in July 1954, he applied for military approval to marry her. However, he received no reply. He resides on Bokum Road, Old Saybrook, Conn., and is employed by the Horle Arms Co., Deep River, Conn., at an hourly wage of $1.25. His assets consist of a savings account of $112 and personal property and effects valued at $300. He stated that he is financially unable to go to Japan to marry the beneficiary but it is his intention to marry her soon after her arrival here.

DEPARTMENT OF STATE,
Washington, D. C., May 4, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 17, 1956, requesting a report of the facts in the case of Mutsuko Shinohara, the beneficiary of H. R. 8082 which was introduced by Mr. Seely-Brown on January 3, 1956.

The files of the Department contain a report dated April 9, 1956, from the consulate at Fukuoka, Japan, reading as follows:

"In response to a letter request by this office, Miss Mutsuko Shinohara appeared at the consulate on this date and informed a consular officer that she is acquainted with Mr. Monroe R. Schaffer, and that if she is admitted to the United States, she intends to marry him. In response to appropriate inquiries, she stated that no marriage ceremony of any kind, Christian, Shinto, Buddhist, or other, and no so-called sake or home marriage ceremony, had taken place between her and Mr. Schaffer. She would, therefore, seem to be without claim to nonquota status.

"Miss Shinohara was informed by this office that if her status changes, for instance as the result of passage of a relief bill by the Congress, she would be informed promptly."

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 638) should be enacted.

○

Calendar No. 2478

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2444

CERTAIN ALIENS

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 639]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 639) for the relief of certain aliens, having considered the same, reports favorably thereon with an amendment and recommends that the joint resolution, as amended, do pass.

AMENDMENT

On page 1, line 4, strike the name "Jaffa Kam".

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to grant the status of permanent residence in the United States to 15 aliens. Provision is made for the appropriate quota deductions, where necessary, and for the payment of the required visa fees. In two cases, provision is made for the posting of a bond as a guaranty that the aliens will not become public charges. The joint resolution also cancels outstanding deportation proceedings in behalf of three aliens. The joint resolution has been amended to delete one name which appeared on the joint resolution as it passed the House of Representatives.

STATEMENT OF FACTS

The following information concerning each case included in the joint resolution, as amended, was contained in House Report 2352 (84th Cong., 2d sess.):

Shaoul I. Khedouri, Suzette Khedouri, Franklin Khedouri, and Frances Khedouri—H. R. 3969, by Mr. Multer

The beneficiaries are husband and wife, Mr. and Mrs. Shaoul I. Khedouri, who are natives of Iraq, and their two Iranian-born children. All of the beneficiaries are citizens of Iran who were admitted to the United States as visitors. Mr. Khedouri has two brothers who are United States citizens and Mrs. Khedouri's mother is a lawfully resident alien in the United States.

The pertinent facts in this case are contained in a letter dated June 9, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 9, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 3969) for the relief of Shaoul I. Khedouri, Suzette Khedouri, Franklin Khedouri, and Frances Khedouri, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant these aliens the status of permanent residents of the United States upon payment of the required visa fees. It also directs that four numbers be deducted from the appropriate immigration quota.

Shaoul I. Khedouri and Suzette Khedouri are chargeable to the quota of Iraq. Franklin Khedouri and Frances Khedouri are chargeable to the quota of Iran.

Sincerely

J. M. SWING, *Commissioner.*

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SHAOUL I. KHEDOURI, SUZETTE KHEDOURI, FRANKLIN KHEDOURI, AND FRANCES KHEDOURI, BENEFICIARIES OF H. R. 3969

The beneficiaries are citizens of Iran. Shaoul I. Khedouri and his wife, Suzette Khedouri (nee Somehk) born December 27, 1903, and May 20, 1922, respectively, are natives of Iraq. The children beneficiaries were born in Iran—Franklin on July 10, 1944, and Frances on September 3, 1945. The family reside at 80–56 Grenfell Street, Kew Gardens, New York. The husband and wife received the equivalent of a high school education abroad. The children are students at a local public school. Mr. Khedouri is an importer and exporter, with offices at 333 Fifth Avenue, New York, N. Y., and has a yearly income of about $10,000.

His assets consist of about $73,000 in stocks and real estate holdings in the United States. Abroad, he has outstanding credit in the amount of $20,000. Mr. Khedouri has two brothers who are residents and citizens of the United States. Mrs. Khedouri's mother is a permanent resident of the United States. Her two sisters are residents and citizens of Israel.

The elder Mr. Khedouri last entered the United States at the port of New York, on September 12, 1949, at which time he was admitted as a visitor for business. He had previously visited in this country from February to May in 1949. The other beneficiaries' only entry into the United States occurred at the port of New York on October 14, 1948, at which time they were admitted as visitors, for pleasure. The beneficiaries applied for and received several extensions of their temporary stay, the last of which would have expired on July 11, 1955. Deportation proceedings were instituted on April 24, 1955, on the grounds that after admission to the United States as visitors they failed to maintain the nonimmigrant status in which they were admitted.

Mr. Multer, the author of H. R. 3969, submitted the following letter in support of his bill:

NEW YORK, N. Y., *February 28, 1955.*

Re H. R. 3969

CONGRESS OF THE UNITED STATES,
Washington, D. C.

HONORABLE SIRS: I, Shaoul I. Khedouri, was born on December 27, 1903, in Baghdad, Iraq; my wife Suzette, was born in Baghdad, Iraq, on May 22, 1922; my child Franklin, was born in Teheran, Iran, on July 10, 1944; my child Frances, was born in Teheran, Iran, on September 3, 1945; and my child Frederick, was born in New York City on June 17, 1950.

My wife, Suzette, my children Frances and Franklin arrived on October 14, 1948, in New York City, on a visitors' visa. I arrived in New York City on September 12, 1949, on a businessman's visa.

Since my arrival in the United States, conditions in the Middle East have grown progressively worse. Being of the Jewish faith, the unrest of the Arab countries, the intense wave of Arab nationalism and the severe hatred of the Jews have made my impending return to Iran or Iraq fraught with danger. With the influence of England on the wane, the Arab countries have persevered to unite all of the Middle East in their purpose. Iran and Iraq are being slowly engulfed; and Iraq, the birthplace of my wife and myself, is becoming more hostile to the Jews. In Egypt, Jews of Egyptian birth have been executed as spies for Israel although many reliable people have decried this as a ruse to incite the people toward more anti-Semitism.This might very well happen in Iran or Iraq.

Defenseless Iran, which borders on Soviet Russia, is constantly under the threat of aggression from the Red armies of Russia and the pressure of subversive elements of a large Iranian Communist Party. If Russia should invade Iran, or what is more probable, if the Iranian Tudah Communist Party within Iran should overthrow the present Government, my family and I would be among the first to be executed.

This is due to the fact that I have always practiced and believed in free enterprise and the free rights of man; and this philosophy is entirely against the Red Communist doctrines.

Since my arrival in this country, I have known for the first time in my life peace of mind. Here my family has security regardless of what religion we are. I can know what duties and what rights my family and I will have. This Nation is where I want to live and die; this Nation is where I want my family to grow. For this country I could send my sons to fight and know that they are fighting for freedom and against the menace of communism. In this country my children could grow and have their own families secure in the knowledge that they belong and that they would not be sent to wander looking for a safe homeland. In this country communism will not be tolerated, and my faimly and I can work and strive and know that what we earn and have is our own.

During my stay in the United States my children have become entirely adapted to the American language and customs. They speak and understand but one language and that is English. My son Frederick was born in this country and is a citizen of the United States; he knows only this country. If my family were to return to Teheran, Iran, the language and custom barrier would be tremendous. They could only attend Iranian schools teaching Persian, a language entirely foreign to them. They would also be forced to begin from the very beginning of school. The English language schools in Iran are restricted, and no Iranian subjects may attend them. I want my children to retain all that they have acquired in this country so that they may be brought up with the same customs that exist in this country.

My son Frederick is a citizen of this country and I want him to keep this right. If my children are forced back to Iran, I feel all that they have learned would be lost and it could deter their returning to the United States. Never did I think that a country could become such a part of my family as this country. Never did I think that it could penetrate our way of life as it has.

If my wife and I are forced to return to Teheran, and leave our children in this country then this would rob them of their right to be with their parents. I would not be able to guide their religious and spiritual development; I would be shirking my God-given obligations.

My wife and I have our entire families in this country; we have no one in Iran.

My brothers both are citizens of the United States, they are: Eliahou I. Khedouri of 880 Fifth Avenue, New York City; Daoud I. Khedouri of 67–51 Groton Street, Forest Hills, N. Y.

My wife's brother is a citizen; he is Herbert Somekh of 900 West End Avenue, New York City.

My wife's sisters are citizens. They are: Mrs. Emilia Shamash of 4 Midwood Street, Freeport, Long Island, N. Y.; Mrs. Daisy Gabbay of 1 Spruce Street, Great Neck, Long Island, N. Y.

We also have many nieces, nephews, cousins, and in-laws. All are United States citizens.

As our visa time has expired, the fear of having to return to Iran had its affect on my wife and I both mentally and physically. I have

become extremely nervous and I have developed a severe case of hypertension which the doctors feel is the direct result of my anxiety. My wife is also very nervous and the impendency of our return to the Middle East has aggravated this condition. If she had the security that this Nation could give her, I am sure this would correct her condition. My wife is also under the constant care of a physician for a polyarthritic condition, and as you know, this country has the only suitable medical treatment facilities for this malady. Since her stay here she has received excellent treatment that relieved her greatly. In Iran there are very poor antiquated facilities and this disease could if not properly treated and checked cause her to become crippled.

My attorney has inquired into the possibility of obtaining a permanent residence for my family and myself by a change of status under section 245 of immigration and naturalization law. He was informed by the Immigration and Naturalization Section of the Justice Department at 70 Columbus Avenue, New York City, that I could not qualify for this under the act.

I am, therefore, left with one alternative and that is to appeal to you, the Congress of the United States. It is audacious of me to take your time when the important problems of the world are heavy upon you; however, I know that this is a Nation where the individual is always considered. Please, then, consider our plight. I pray to God that you will see my despair, and that you will grant me and my family asylum in this beloved land.

Please don't force me to break up my family and deprive my children of their father and mother. Please don't have me take these children of mine into Iran where they may lose all that they have learned in America and cause their return to this country to become too difficult. Don't send us back to a land which has become foreign to us; where we would be without family or friends; where we would live in mortal fear of the Communist menace, or death by an Iranian Tudah Communist Party firing squad. Don't send us where my wife would be without needed medical care and where my nervous condition would grow steadily worse.

Give us an opportunity to be part of America and its way of life so that we may contribute our efforts to keep it great.

If we are given a chance to stay in this country, I pledge to you our devoted loyalty to this Government and the principles for which it stands; that we are ready to work, fight, and pray for these precious principles.

Respectfully yours,

SHAOUL I. KHEDOURI.

Sister Philomena Vella—H. R. 5640, by Mr. Shelley

The beneficiary is a 56-year-old native of Malta who is a British subject. She is a Roman Catholic nun who is presently with the Convent of the Sacred Heart at San Francisco, Calif. The church provides for her maintenance.

The pertinent facts in this case are contained in a letter dated June 9, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 9, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5640) for the relief of Sister Philomena Vella, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also provide that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Great Britain (Malta).

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SISTER PHILOMENA VELLA, BENEFICIARY OF H. R. 5640

Sister Philomena Vella, a British subject, was born on April 23, 1900, at Mosta, Malta. She received her education in the parochial schools there and became a nun in the Catholic Church. In about 1935 she was transferred to Shanghai, China, to serve in the Women's College of the Aurora University. During World War II she was cpatured by the Japanese and taken to Nagasaki, Japan, where she was placed in a concentration camp. She remained in this camp until the liberation and was shortly thereafter taken aboard a British warship for return to her former place of residence. However, instead of resuming her activities with the Women's College in Shanghai, she was reassigned by the church to a convent in Tokyo, Japan, and she remained there until she came to the United States. She is presently with the Convent of the Sacred Heart, San Francisco. The church provides for her maintenance and she has no income whatsoever.

The beneficiary arrived in the United States at San Francisco on the steamship *Lightening* on March 14, 1952, at which time she was admitted temporarily as a visitor. She failed to maintain that status and deportation proceedings were instituted on May 9, 1955. In the hearing which was held on May 18, 1955, she was granted the privilege of voluntary departure with an alternative order of deportation.

Sister Vella has no relatives in the United States, but has 2 brothers and 3 sisters residing in Malta. Her parents are deceased.

Mr. Shelley, the author of H. R. 5640, submitted the following letter in support of his bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 14, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration and Nationality,
House Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: On April 18, 1955, I introduced H. R. 5640, for the relief of Sister Philomena Vella, which was docketed for consideration by the Subcommittee on Immigration and Nationality on February 4, 1956. Since there are only about 2 months remaining in this session of Congress, I respectfully request and would greatly appreciate your taking whatever steps you deem necessary to bring H. R. 5640 up for action by the subcommittee, if at all possible.

I sincerely believe that this is a deserving case and that the beneficiary, Sister Vella, if allowed to remain in the United States permanently, would be an asset to our country not only on an educational level but a spiritual one as well. Mother Mullen of the Convent of the Sacred Heart, where Sister Vella has been living since 1952, considers her to be essential for the smooth functioning of the nursery school. Since the nursery school is licensed by the city of San Francisco and the State of California she has been cleared for dining room service and the general care of the nursery classrooms. Mother Mullen has written that Sister Vella is a friendly person, in good health and a very conscientious worker, never having missed a day's work. If allowed to remain in the United States, Sister Vella would, of course, never become a financial liability as she will continue to be supported by the religious order to which she belongs, the Society of the Sacred Heart.

Thanking you for your cooperation in this matter and with kindest regards, I am,

Sincerely and cordially,

JOHN F. SHELLEY, *Member of Congress.*

Hen Min Lee—H. R. 5998, by Mr. Cretella

The beneficiary is a 50-year-old native and citizen of China who entered the United States as a stowaway 25 years ago. Deportation proceedings were instituted against him in March of 1955 and he was ordered deported as an alien who was not in possession of a valid immigration visa and who had failed to comply with those provisions of the Immigration and Nationality Act which require aliens to register.

The pertinent facts in this case are contained in a letter dated April 23, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 23, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5998) for the relief of Hen Min Lee, there is attached a memorandum of information concerning the beneficiary.

This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota for the first year that such quota is available.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HEN MIN LEE, BENEFICIARY OF H. R. 5998

Hen Min Lee, who is also known as Charlie Lee, a citizen of China, was born on February 2, 1906, in Toishan, Province of Kwangtung. He has never married and resides at 910 Howard Avenue, New Haven, Conn. He is self-employed in a partnership hand laundry business in New Haven, Conn., from which he derives an income of $25 a week. His assets consist of the partnership in the laundry business valued at $1,000, $400 in a savings account a $75 defense bond, and clothing and personal effects valued at $500. Mr. Lee received 6 years of schooling. He has no near relatives in the United States. His father, from whom he has not heard in 10 years, last lived in China.

The beneficiary last entered the United States at New York, N. Y., in August 1930, as a stowaway and at that time intended to remain permanently in this country. The alien has stated that he did not report his address as required by law in January 1953, 1954, and 1955, because he feared apprehension by immigration officers. Deportation proceedings were instituted on March 22, 1955, on the grounds that at the time of entry he was an immigrant not in possession of a valid immigration visa and that he had failed to furnish notification of his address or other information in compliance with the Immigration and Nationality Act and had not established that such failure was reasonably excusable or was not willful. In a hearing on November 10, 1955, he was found deportable on these charges and an order of deportation entered. His appeal to the Board of Immigration Appeals was dismissed on January 9, 1956.

The alien's violations for failure to report his address as required by law during January 1953, January 1954, and January 1955, were referred to the United States Attorney at Hartford, Conn., on March 21, 1956. Prosecution was declined on March 26, 1956. There appears to be no administrative relief available.

Mr. Lee claims that he is the only person interested in the private bill.

Mr. Cretella, the author of H. R. 5998, appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of his bill, stressing the fact that this beneficiary has spent

all of his adult life in the United States and that he would be subject to persecution if he were deported to Communist China.

Mr. Cretella also submitted the following letter and affidavits in support of his bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 12, 1956.

Re H. R. 5998 Hen Min Lee.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CELLER: I introduced the above numbered bill in behalf of Hen Min Lee and discussed the matter with you on June 7, 1955.

At that time, you wrote me and suggested that form I–256A be filed in his behalf, inasmuch as it was considered that administrative remedy might possibly eliminate the necessity of action on the bill. That application was denied, and an appeal was taken therefrom and the appeal dismissed by the Board on January 9, 1956.

I would appreciate it if you would request the department to stay deportation and respectfully urge you to ask the department for a report, which I understand you do not have as yet, for the purpose of furnishing your committee with the benefit of information which it has available.

I am herewith filing with you a photostatic copy of the findings of the special inquiry officer, as well as a brief filed in his behalf by his attorney.

I believe that a great deal of emphasis can be made in his behalf on the basis of his registration for military service with no claim for exemption, although he did conceal at the time that he was an alien.

You will note, also, that he has been a resident of the State of Connecticut since 1930 and has not become involved in any serious infraction of the law.

The country to which he could be deported is now Communist held and to enforce the deportation order would be both a hardship and cruel punishment to him.

I trust that your committee will consider all these matters, and respectfully request, therefore, that the committee grant an exemption of rule of procedure 6 so that a hearing may be had on this bill.

Very sincerely yours,

ALBERT W. CRETELLA,
Member of Congress.

AFFIDAVIT

I, Hen Min Lee, beneficiary of private bill, H. R. 5998, being duly sworn, depose and say:

I was born in Toi San, Canton Province, on February 2, 1906, and came to this country in 1930. I have lived in the city of New Haven, Conn., continuously since 1930 adapting myself to the American customs.

I worked industriously as a laborer, dishwasher, waiter, and laundryman and today have my own business. I attended night schools here and belong to the Calvary Baptist Church in New Haven. I have

no relatives here in New Haven, but the only living friends I have are in New Haven, Conn.

It would be a dreadful hardship for me to be deported to any other country at this time of my life and after being in this great country all these years and it is very doubtful whether any other country would now accept me.

To be deported to China or any of its territories at this time would be extremely hazardous and a great hardship to me because of the unsettled conditions existing there. I would not be accepted in Formosa and a return to Communist China would likely result in slavery or death. If I am sent to Singapore or any other English controlled territory I would be subject to ultimate apprehension by the Communists.

While I have been for many years unhappy because I have been unable to become an American citizen, my present feeling is one of anxiety, fear and apprehension.

I have never been arrested or convicted of any crime and being a law abiding alien and a person of high moral standards am greatly distressed over my present status.

HEN MIN LEE.

Subscribed and sworn to before me this 26th day of May 1955.

JOHN A. MARESCA,
Commissioner of the Superior Court for New Haven County.

AFFIDAVIT

I, Reverend William T. Murphy, Jr., being duly sworn, depose and say:

1. That I am the pastor of Calvary Baptist Church in New Haven, Conn.
2. That Hen Min Lee is a regular member of my church.
3. That I have known Mr. Lee as an attendant at church service and so far as I know myself, and from the words of others, he is a person of integrity, industry, and good moral character.
4. Knowing him as I do and of the unsettled conditions in China today, I am sure that it would be a great hardship to him to be deported from this country to any other land.

WILLIAM T. MURPHY, Jr.

Subscribed and sworn to before me this 27th day of May 1955.

JOHN A. MARESCA,
Commissioner of the Superior Court for New Haven County.

Lim Khin Thong—H. R. 7714, by Mr. Smith of Wisconsin

The beneficiary is a 32-year-old native of Indonesia, of the Chinese race, who is a citizen of the Netherlands. He entered the United States as a student and received degrees in both electrical and mechanical engineering. He is presently employed by the J. I. Case Co. of Racine, Wis.

The pertinent facts in this case are contained in a letter dated January 11, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 11, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7714) for the relief of Lim Khin Thong, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Milwaukee, Wis., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for the Chinese.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LIM KHIN THONG, BENEFICIARY OF H. R. 7714

The beneficiary, Lim Khin Thong, a native of Indonesia and citizen of the Netherlands, was born on September 9, 1923. He is of the Chinese race. Mr. Thong has never married. He presently resides at 704 Park Avenue, Racine, Wis.

The beneficiary is employed as an engineer. He has received degrees in both electrical and mechanical engineering. His present earnings are $400 per month. His assets consist of savings amounting to about $4,000. His parents, 4 brothers and 4 sisters reside in Indonesia.

Mr. Thong entered the United States as a student at Portal, N. Dak., on April 7, 1946. He received extensions of stay to April 4, 1953. He applied for an adjustment of his immigration status to that of a permanent resident of the United Stated, but his application was denied because he was chargeable to an oversubscribed quota. Deportation proceedings were instituted against him on September 19, 1955, on the ground that he had remained in the United States longer than permitted. On September 26, 1955, the special inquiry officer granted him the privilege of departing voluntary from the United States with the proviso that failure to depart would result in an order of deportation.

The beneficiary has had no military service. He is registered under the Universal Military Training and Service Act.

Mr. Smith of Wisconsin, the author of H. R. 7714, appeared before a subcommittee of the Committee on the Judiciary and recommended the favorable consideration of this legislation.

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Mr. Smith also submitted the following letter in support of his bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., August 4, 1955.

Re Lim Khin Thong

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR CHAIRMAN: On July 28, 1955, I introduced the above bill. I respectfully request a report on the bill and in compliance with rule 5 of your committee procedure, I submit the following information:

Mr. Thong came to this country originally in December 1941 as an engineer in a Dutch ship, the *Kota Baroe.* During the war he sailed continuously, San Francisco and New York being home ports. In 1943 the ship was converted to a troop transport under American trusteeship. As part of the Dutch crew he remained on board and sailed for the United States Army Transport Service until his discharge in February 1946. He was subsequently admitted to this country as a student, under visa No. 1535, issued on April 5, 1946.

Mr. Thong has become a highly trained engineer and his employer, the J. I. Case Co. of Racine, Wisc., is most anxious to have his continued services. He has had extensions of stay in the United States.

Date of birth of this individual was October 14, 1923, at Sungailiat, Bangka (now the Republic of Indonesia).

The address of Mr. Thong is 704 Park Avenue, Racine, Wis., although his work with the J. I. Case Co., requires him to be in Iowa, where his address is Post Office Box 365, Bettendorf, Iowa.

Since the war Mr. Thong has been unable to locate any of his family or relatives in Java, Dutch East Indies. He has tried many times but the Red Cross has been unable to uncover any trace of the family. Letters were unclaimed and returned to Thong.

If there are any other details you require, please let me know I believe this case has considerable merit.

Sincerely,

LAWRENCE H. SMITH.

Ann Yellin—H. R. 1292, by Mr. Multer

The beneficiary, Mrs. Ann Yellin, is a 41-year-old native of Israel who acquired United States citizenship through the naturalization of her father in 1932. She returned to Israel in 1932 and remained there until 1951, thus expatriating herself through prolonged residence abroad. As introduced, H. R. 1292 provided for restoration of citizenship to Mrs. Yellin. However, the committee is of the opinion that the facts in this case do not warrant restoring citizenship and have agreed only to grant permanent residence in the United States to Mrs. Yellin, thus placing her is a position to reacquire United States citizenship through naturalization.

The pertinent facts in this case are contained in a letter dated June 3, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 3, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 1292) for the relief of Ann Yellin, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would provide for the beneficiary, who lost her citizenship under the provisions of section 404(c) of the Nationality Act of 1940, as amended, to be naturalized by taking prior to 1 year after the effective date of this act, the oaths prescribed by section 337 of the Immigration and Nationality Act. It would also provide that following naturalization she shall have the same citizenship status as that which existed immediately prior to its loss.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. ANN YELLIN, BENEFICIARY OF PRIVATE BILL H. R. 1292

Ann Yellin, nee Annie Trachtenberg, was born on August 1, 1914, in Jerusalem, Israel (formerly Palestine). When about 1 month of age, she came to the United States in 1914 with her mother to join her father who was already in this country. She remained here until 1932 during which time, she acquired United States citizenship through the naturalization of her father. The beneficiary attended public school and high school in the United States from 1920 to 1929. In 1932, the beneficiary returned to Israel on a United States passport, intending only to visit, but married there and remained in that country until her return to the United States as a visitor in October 1951. Her husband died in Israel in October 1948, and Mrs. Yellin, who had previously taken a private pharmacist course for the purpose of assisting in her husband's pharmaceutical business, continued to operate that business until leaving Israel in 1951. In view of this lengthy residence abroad, she lost her United States citizenship under section 404(c) of the Nationality Act of 1940.

Mrs. Yellin has five children, all born in Israel. Tobias, age 20; Absalom, age 18; and Josephine, age 17, acquired United States citizenship at birth through the beneficiary. The other two children, Rimona, age 13 and Eton, age 8, are citizens of Israel. Absalom and Rimona reside in Nathanya, Israel, and the other three reside with their mother at 1440 Prospect Drive, Wilmington, Del. Mrs. Yellin also maintains a residence at 99–60 63d Road, Rego Park, Long Island, N. Y. (care of Nellie Burstein). She is presently employed as office manager by the Exeter Hosiery Mills,

Inc., 25–12 41st Avenue, Long Island City. This company has a branch in Wilmington, Del., at 5th and Monroe Streets, where the beneficiary's position requires her frequent presence. She earns $105 a week plus payment of her rent at her Wilmington residence. Her assets in this country consist of a $600 savings account, plus $100 in a checking account, and personal effects, such as jewelry and furniture, valued at approximately $2,000.

The beneficiary last entered the United States on October 9, 1951, at New York, N. Y., as a visitor. She was previously in the United States as above mentioned, from 1914 to 1932. Because of failure to depart at the expiration of her temporary admission as a visitor in 1951, deportation proceedings were instituted. Having failed to avail herself of the privilege of voluntary departure, a warrant was issued on March 2, 1955, directing her deportation together with her minor child Eton (or Eithaniahu).

Ann Yellin was previously the beneficiary of private bills H. R. 6763 introduced in the 82d Congress on February 21, 1952, and H. R. 1353 introduced in the 83d Congress on January 7, 1953.

Mr. Multer, the author of H. R. 1292, submitted the following letters in support of his bill:

FEBRUARY 12, 1955.

Congressman ABRAHAM J. MULTER,
14th District, New York,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN MULTER: Enclosed herewith is a copy of letter (explaining my case) of January 29, 1952, which was sent to you. I am also enclosing another letter that further explains what has happened during the time.

I do hope that something can be done to establish my American citizenship so that I can remain here with my children and take care of them, as well as bring my daughter here who is still being held in Israel pending the outcome of my bill.

I hope that this letter finds you in the best of health.

Sincerely,

Mrs. ANN YELLEN.

FEBRUARY 12, 1955.

Congressman ABRAHAM J. MULTER,
14th District, New York,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN MULTER: This letter will explain the situation regarding myself further: After my arrival in the United States October 9, 1951, I was staying at my sister's home until I could establish my status, but after a few months my income was stopped, and my sister left her home to seek a divorce, which left me practically penniless and no way of supporting my children but to find work. I did not want my children to become a public charge, therefore chose the next best thing, having a lot of pride, and found work, working

evenings in the beginning, and then switching to day and night work to keep the family going. I did not hide the fact that I was working, and have been paying taxes since the day I started to work.

Being so broken up and on the verge of a nervous breakdown, I had to extend my visa further, and therefore not realizing what I was doing, I signed the application stating that I was not working. I was then accused of a "technical violation." I can assure you, Congressman Multer, that it was not done with any intentions of "lying" as I certainly would not have been registered at my place of business or paid taxes had I wanted to do something illegal. As I said before, being so broken up, I did not realize at the time what I was doing. I have always tried and think I have done everything to my knowledge honestly.

I do hope that you will understand my plight, and take all of this into consideration and help me in establishing my American citizenship so that I can have my entire family together and bring them up to be fine Americans. My son (a marine in Japan) will return toward the end of this year, and I do hope that I will be fortunate in bringing happiness to all of my children by having my bill passed so that we can breathe freely once again here.

Sincerely,

Mrs. Ann Yellen.

January 29, 1952.

Congressman Abraham J. Multer,
14th District, New York, House of Representatives,
Washington, D. C.

Dear Congressman Multer: Here's hoping that you are in the best of health. Received your letter of January 25, and I thank you for your kind interest.

Here in short is my case up to date: I was born in Jerusalem, Palestine, August 1, 1914. However since the age of 1 month I was brought up in Norfolk, Va., where I graduated Maury High School. From the year 1932 (September) I left my parents for Palestine (as a visitor). Faith has decreed that I marry Mr. Isaac Yellin in Tel-Aviv, where I remained and had five children. I was not able to return to the United States because of the following circumstances:

1. My young children.
2. Financial circumstances.
3. In particular, due to disorder and riots which prevailed during the years 1936 to the outbreak of the war. Naturally the war has further prevented us from coming back. Thus it was for the above reasons, that I retained my American citizenship. In the year 1946 I was advised by American consulate that all Americans must return to the United States lest they lose their American citizenship. Circumstances again forced me to overgo the deadline of return. I was further advised that my children Tobias, then 15, Absalon 13, and Joseph 11, born before February 1941 can establish their American citizenship upon returning to the United States before the age of 18, and residing in the States for 5 years. My husband passed away during the year 1948 (October) leaving me sole support of my five children and mother-in-law. August 1949 my three older boys

came to the United States at the request of family, and have been here for the past 2½ years bearing an American passport No. 16, O. K.'d by the State Department, Washington, D. C., and issued in Tel-Aviv, Israel, June 29, 1949, to Tobias Yellin.

The family no longer consents to look after my children, and I rather suspect they were mistreated. Because of this predicament and a strong intent to remain here and establish my old status I returned on October 9, 1951, on a visitor's visa, which has recently been prolonged until July 3, 1952. The following suggestions have been made to me by responsible people to further my cause are:

Fictitious marriage, which I will not consent to. Illegal entry through Canada, likewise.

My only hope and wish is the legal procedure of a private individual law that must be passed by a Congressman. Prof. James G. McDonald also agree that this is my only way to establish my status.

My maiden name was Ann Trachtenberg.

The following shall be sufficient references to establish the honesty and good name of Mr. Isaac Yellin was:

Master of Masonic Lodge and editor of Masonic Journal.
President of B'nai B'rith of Tel-Aviv.
Vice-President of B'nai B'rith of all of Israel.
President of Pharmaceutical Association of all Israel.
Justice of peace for 16 years in Tel-Aviv.
Member of board of Hebrew University.
Editor of Pharmaceutical Journal of Israel, etc.
I am enclosing one of the writeups of the Masonic Journal.
Very truly yours.

This is an addition: The B'nai B'rith has opened a lodge carrying the name of Isaac Yellin (in his memory) about 4 years ago. Several libraries have been opened in his name, and the Hebrew University is contemplating opening the Faculty of Pharmacy bearing his name.

Andrew W. Garfield—H. R. 2246, by Mr. Allen of California

The beneficiary, Andrew W. Garfield, is a 37-year-old native of Hungary who was admitted to the United States as a displaced person in 1949. He returned to Germany later in that year and married a native and citizen of that country, who was admitted to the United States for permanent residence. The beneficiary was readmitted to the United States as a returning resident alien. Subsequently, it was discovered that his original visa had been obtained fraudulently in the name of another person. Mrs. Garfield was also the subject of deportation proceeding and the committee was advised orally by a representative of the Immigration and Naturalization Service that she has since departed from the United States and been readmitted lawfully for permanent residence. The beneficiary and his wife are the parents of one child who is a citizen of the United States by birth.

The pertinent facts in this case are contained in a letter dated December 7, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 7, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 2246) for the relief of Andrew W. Garfield, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As a quota immigrant the beneficiary is chargeable to the quota for Hungary.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANDREW W. GARFIELD, BENEFICIARY OF H. R. 2246

The beneficiary who has been also known by the names of Andras Szivo and Welem Gruenfeld was born in Szombathelz, Hungary, on April 20, 1919. He initially entered the United States at Boston, Mass., on May 18, 1949, under the Displaced Persons Act. He gained admission at that time by presenting an immigration visa which was issued at Frankfurt, Germany, in the name of Welem Gruenfeld. When questioned as to how he obtained such visa, the beneficiary testified that in 1947 he made his way to the American zone of Germany and later became acquainted with a displaced person in the Displaced Persons Camp at Kassel, Germany, who was friend of the true Welem Gruenfeld. The beneficiary indicated that the true Welem Gruenfeld was at that time applying for a visa for admission to the United States. The beneficiary indicated that he arrived at the foregoing displaced persons camp after Welem Gruenfeld had left such camp for Paris, France. He further indicated that after he had learned from his friend that a telegram had been received from the American consulate in Frankfurt, Germany, requesting Welem Gruenfeld to appear at the consulate in connection with the visa application, he decided to take Welem Gruenfeld's place and purchased documents of Welem Gruenfeld from the friend whohad them in his possession.

In August 1949, the beneficiary returned to Frankfurt, Germany, where he married his present wife on August 10, 1949. He reentered the United States at the port of New York on September 22, 1949. The information covering his illegal entry on May 18, 1949, was thereafter brought to

light and deportation proceedings were instituted against the beneficiary. An order for his deportation has been entered and such order is outstanding at this time.

A child, Michele Marion Garfield, was born to the beneficiary and his wife on August 5, 1952, in Washington, D. C. The beneficiary is presently employed as a sales manager at the Century Metalcraft Corp. of 1116 O Street SE., Washington, D. C. It is indicated that he and his wife, who is also employed by the foregoing corporation, earned $20,000 in 1954. They have assets totaling approximately $20,000 in bank funds and in real estate. The beneficiary attended high school in Hungary and also studied law for a period of 1 year at the University of Pics in Hungary.

With the exception of an uncle who resides in Hungary, the beneficiary has no close relatives residing abroad. He has stated that his father was killed in a concentration camp at Buchenwald, Germany, in 1944. His mother presently resides in Washington, D. C., and he has a sister who resides in Luray, Va. The beneficiary has also indicated that he was in a prison camp in Siberia for 5 years from 1942 until 1947.

Following their marriage on August 10, 1949, the beneficiary's wife was admitted to the United States for permanent residence at the port of New York on April 13, 1950.

Mr. Allen of California, the author of H. R. 2246, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

Mr. Chairman, H. R. 2246 has for its purpose the admission of Andrew W. Garfield, a native and citizen of Hungary, to the United States as a permanent resident.

Mr. Garfield was born in Szombathelz, Hungary, on April 20, 1919; his true name was Andras Szivo, the son of a former lieutenant in the old Austro-Hungarian Army. Since this part of Hungary was then held by the Communists, who sought to draft the father into the Red army, the family fled to the southern Hungarian city of Pecs. Mr. Garfield here attended the local schools, obtaining a bachelor's degree, and enrolled in law school.

In August 1940 the beneficiary was drafted into a Jewish forced-labor battalion, under Hungarian military guards. While working on the Russian front in December 1942, Mr. Garfield and many fellow prisoners were captured by the Red army which had broken through the Hungarian lines. He spent the next 5 years in various Russian slave-labor camps, experiencing extreme hardship, starvation, inhuman treatment, and the frozen plains of Siberia.

In 1947 the imprisoned Jews staged a hunger strike because of the injustice of their still being prisoners of war without ever having been combatants. This strike may have been successful, for in June of 1947 Mr. Garfield and many others were returned to Hungary. Meanwhile, his father, mother, sister, grandparents, and uncles were all in German concentration camps in Poland, only his mother and sister surviving;

they eventually reached the English Zone of Germany. After 3 months of recuperation in Hungary, the beneficiary went illegally to Vienna, then to the American Zone of Austria, and finally to the American Zone of Germany, on a Jewish passport.

Mr. Garfield heard that his mother and sister were going to America, and, wishing to join them, learned that the requirements necessary to obtain a visa—German concentration camp documents, other documents showing that he had lived in the American Zone of Germany since 1945, and so forth—could never be met, since he had been in Hungarian and Russian camps for 7 years.

Then a chance possibility arose to come to this country, and Mr. Garfield took it. A prisoner named Welem Gruenfeld, who had left the displaced-persons camp for Paris just a few weeks before Mr. Garfield arrived there, was telegraphed by the American Embassy to present his papers for immigration. Since Gruenfeld was no longer there, a friend of his sold to the beneficiary the papers belonging to Gruenfeld; Mr. Garfield decided that he would be Welem Gruenfeld from then on, and thereby go to America. He went to the American consulate in Frankfurt, presented his papers, and was fingerprinted.

After a few months he was told at the Embassy that his birth certificate was false, and he was thus rejected. He then went to Frankfurt and, with the good will of the American authorities, came as Gruenfeld to America, entering at Boston on May 18, 1949. He finally was employed by Hon. Albert Carter as his personal attendant, secretary, and chauffeur. Mr. Carter also gave him the necessary money to return to Frankfurt to marry his wife, Marian, on August 10, 1949. He reentered the United States at New York on September 22, 1949. The information covering his prior illegal entry was thereafter brought to light, and deportation proceedings were instituted against the beneficiary.

A daughter was born to the Garfields on August 5, 1952, in Washington, D. C. The beneficiary is presently employed as the district supervisor of the Century Metalcraft Corp., and resides with his family at 4433 Old Frederick Road, Baltimore 29, Md. The Garfields' net worth is in excess of $25,000. Mrs. Garfield is legally admitted to the United States. Mr. Garfield's mother lives in the District of Columbia, and his married sister resides in Luray, Va.

I therefore request that H. R. 2246 be given favorable consideration by this committee.

In support of the above facts, I attach to this statement excerpts from letters written to me by the following:

Hon. Albert E. Carter, 1026 16th Street, Washington 6, D. C.:

"Andrew W. Garfield worked for me for a period of about 1 year in the capacity of driver and personal attendant. The two of us took an automobile trip of about 8,000 miles. Garfield is a man of good education; he speaks 4 or 5 different languages; he has an excellent musical education and is quite proficient on the piano, accordion, and guitar.

"Owing to my physical condition I had to have a man accompany me who was strictly sober, reliable, and dependable in every way. I believe he is a man of high standing and character and will make an excellent citizen of the United States."

George Kelemen, M. D., F. C. S., 414 Beacon St., Boston 15, Mass.:

"Mr. Andrew W. Garfield was well known to me since his earliest childhood. I was acquainted with his family since about 1920 and came somewhat later in close contact with them. His father died in the concentration camp in Buchenwald. His mother survived her confinement in a concentraation camp and came later to the United States of America. They belonged among the leading citizens of Pecs in southwestern Hungary, being always respected as one of the outstanding families. They had no communistic contacts whatsoever: the father being dead and the mother being confined to concentration camps, never to return to Hungary, at the time the new regime took over. According to my knowledge two cousins are imprisoned at the present time by the Communists in Hungary because caught in their attempt to leave the country clandestinely.

"Considering this family background and the best and most careful education given to him, Mr. Garfield could not fail to develop into what he represents today: into an honest, straightforward man of unusual capacities and willingness to work. He was always loyal to his family, living with them in every way in harmony."

Friedrich Engel De Janosi, professor at Catholic University, Washington, D. C.:

"I * * * have been acquainted with the family of Mr. Andreas Szivo (known as Andrew W. Garfield), especially with his mother, Mrs. Madeleine Szivo, for 12 years.

"I know that they enjoyed a very good reputation and that neither Mrs. Szivo, nor he nor his sister, Mrs. Emily Collins, were ever suspected of any Communist affiliations.

"I am convinced that Mr. Andrew Szivo who made his way to the United States under very difficult circumstances and has proved successful in making a living for himself and his family, will be a useful and loyal citizen of this country when he will be accepted as such."

James M. Phipps, area sales director, Century Metalcraft Corp., Baltimore, Md.:

"His earning ability is well recognized by our firm * * * As one of his immediate superiors, it has been my pleasure on numerous occasions to be in the company of Mr. and Mrs. Garfield on a social basis. Having had this opportunity, it affords me much pleasure to be able to state that both Mr. and Mrs. Garfield are well liked and respected by all their friends and associates.

"It is my personal opinion that Mr. Garfield is a high-caliber-type individual and his integrity beyond reproach. He is extremely ambitious and * * * I consider him to be an

asset to our organization. It is likewise my sincere hope that we may remain associated for many years to come."

Joseph J. Palazola, 1515 North Queen Street, Arlington, Va.:

"Mr. and Mrs. Garfield, my wife and myself have been intimately acquainted for about 1 year, and during this time Andrew Garfield has appeared to me as being a hardworking gentleman who is profoundly intelligent, sincerely honest, God-fearing, cultured, refined, and lovingly devoted to his wife and the United States Government and is very capable of supporting himself and any or all persons dependent on him.

"The fact that Garfield appreciates the United States a great deal more than many of its citizens is self-evident due to the fact that he knows by experience what it is to be deprived of rights emanating from a freedom such as we enjoy in the United States. I am heartily convinced that Andrew would be ready and willing at all times to defend such a right with his life if necessary.

"These things which I have written are not only my personal findings but also seem to be the common opinions of everyone with whom Andrew has come into contact. Without doubt, Andrew has a stable and healthy mind and body."

Louis E. Cadem, Jr., 212 Mississippi Avenue, Washington, D. C.

"I have known Mr. Garfield personally as a neighbor for the past year and I find him to be a very friendly and intelligent person of good character. He is and has been welcomed in our home and also in the homes of our friends and parents, all of whom find him pleasant and good company.

"Both he and his wife, Marion Garfield, have professed to us, numerous times, of their intentions to become citizens of the United States. To my knowledge neither of them belongs to any subversive organization and it is my opinion that they would be loyal and worthwhile citizens of this great Nation of ours.

"Knowing Andrew and Marion Garfield as friendly and hardworking neighbors, I see no reason or know of nothing whatsoever that should prevent this couple from becoming permanent residents of the United States of America."

Edward V. DeFreitas—H. R. 2340, by Mr. Smith of Wisconsin

The beneficiary is a 34-year-old native of the British West Indies who is the husband of a citizen of the United States. He last entered the United States as a seaman on a United States transport having been recruited in the British West Indies in 1944 by the United States Army Transportation Corps. He entered into a bigamous marriage with a citizen of the United States in 1948. That marriage was legalized in 1952 after the beneficiary obtained a divorce from his first wife.

The pertinent facts in this case are contained in a letter dated June 18, 1956, from the Commissioner of Immigration and Naturalization

to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 8, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 2340) for the relief of Edward V. DeFreitas, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Milwaukee, Wis., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EDWARD V. DEFREITAS, BENEFICIARY OF H. R. 2340

The beneficiary, Edward V. DeFreitas, a native of Trinidad, British West Indies, and citizen of Great Britain, was born on January 22, 1922. He married Frances Mann on November 27, 1943, in Trinidad. A son was born of this marriage in 1944. According to the beneficiary, he has never seen this child, and does not contribute to his support. He next married Ellen Margaret Holmes, a United States citizen, on January 20, 1948, in Reno, Nev. He obtained a divorce from Frances Mann on February 18, 1952, at Elkorn, Wis., and again married Ellen Holmes on February 23, 1952, at Crown Point, Ind. They have no children and reside at Box 251, Lake Geneva, Wis.

The beneficiary is employed as an automobile mechanic. He attended school for 9 years in Trinidad. He earns $98 a week from his employment. His assets consist of household furnishings and an automobile. His parents are deceased. A brother resides in Trinidad.

The beneficiary first entered the United States as a seaman under contract to the United States Army Transportation Corps, at St. Petersburg, Fla., on September 22, 1944. He remained in the United States under this contract until May 1946, and continued this employment in the Pacific area until April 8, 1948. He last entered the United States at Fairfield, Calif., on April 8, 1948, when he arrived on a plane operated by the United States Air Force. He was admitted as a seaman for 29 days. Deportation proceedings were instituted on October 9, 1950, on the ground that he was an immigrant at time of entry and not in possession of a valid immigrant visa. On May 12, 1953, the special inquiry officer ordered that he be deported. Mr. DeFreitas ap-

pealed from this decision, and on May 13, 1954, the Board of Immigration Appeals granted him voluntary departure with the provision that, if he failed to depart when and as required, he be deported. On May 28, 1956, the Board of Immigration Appeals denied his motion to reopen his hearing in order to file an application for suspension of deportation. Private bill H. R. 5494, 83d Congress, introduced in the beneficiary's behalf, was adversely disposed of on June 22, 1954, by the Committee on the Judiciary, House of Representatives.

The beneficiary has had no military service. He is not required to be registered under the Universal Military Training and Service Act.

The beneficiary was convicted on a plea of guilty of violating section 1621, title 18, United States Code (perjury) in the United States District Court, Eastern District of Wisconsin, on May 26, 1952. Sentence was suspended and the beneficiary was placed on probation for 2 years. He submitted an application for executive clemency on July 6, 1953. On April 3, 1956, the Pardon Attorney, Department of Justice, Washington, D. C., advised the beneficiary that the Department would not submit his case to the President with a favorable recommendation.

A memorandum of information submitted to the committee by the Immigration and Naturalization Service in 1954, regarding a bill then pending for the relief of the same person, reads as follows:

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EDWARD V. DEFREITAS, BENEFICIARY OF H. R. 5494

Edward Vincent DeFreitas, a British subject, was born in Trinidad, British West Indies, on January 22, 1922. He last entered the United States at Fairfield, Calif., aboard a United States Army transport plane, on April 8, 1948, when he was admitted as a seaman for a period not to exceed 29 days. He has since remained in the United States. Mr. DeFreitas has been found to be subject to deportation on the ground that, at the time of his last entry, he was an immigrant not in possession of a valid immigration visa. His appeal to the Board of Immigration Appeals is pending.

In Trinidad, British West Indies, during the spring of 1944, the beneficiary was recruited by the United States Army Transportation Corps to serve as a seaman on the steamship *Col. Geo. H. Penrose.* He first entered the United States on September 22, 1944, at St. Petersburg, Fla., as a member of the crew of this vessel. From September 1944 until May 1946 he was stationed at the New Orleans port of embarkation. From May 1946 until his discharge and return to the United States in 1948, he was employed by the Transportation Corps in the Philippine Islands and Guam, except for a period from December 1947 until January 1948, when he was in California. His last seaman's rating was first assistant engineer.

On January 20, 1948, at Reno, Nev., the beneficiary was married to Ellen Lund, a native of Wisconsin and a citizen of the United States. After his last entry into the United States on April 8, 1948, the beneficiary proceeded to Wisconsin and has since resided in that State. Deportation proceedings were instituted on June 30, 1950, and during the course of these proceedings, the beneficiary testified under oath that he had never been married prior to his marriage to Ellen Lund on January 20, 1948. Investigation, however, disclosed that he had previously been married to Frances Mann in Trinidad on November 27, 1943. Upon conviction for making a false statement under oath (18 U. S. C. 1621) in the United States District Court for the Eastern District of Wisconsin on May 26, 1952, the beneficiary received a suspended sentence and was placed on probation for 2 years.

On February 18, 1952, at Elkhorn Wis., the beneficiary obtained a divorce from his first wife and was subsequently remarried to Ellen Lund. Since 1950 he has been employed in Lake Geneva, Wis., as an automobile mechanic. He earns $75 weekly. The beneficiary has a bank account of $100 but owes approximately $500.

The beneficiary attended school in Trinidad for 10 years. With the exception of his wife, all his relatives are residing in Trinidad or in Venezuela. The beneficiary is said to have a son, the issue of his first marriage, in Trinidad.

The author of H. R. 2340, Mr. Smith of Wisconsin, appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of this measure.

Olga Rubin Donn Bornes—H. R. 3287, by Mr. Multer

The beneficiary is a 47-year-old native of Poland who is the wife of a citizen of the United States. She entered this country as a visitor in 1950 and would be eligible for administrative relief by departing from the United States and reentering as a permanent resident. However, the committee has been supplied with information which establishes that she is too ill to undertake the necessary trip in order to avail herself of the administrative remedy open to her.

The pertinent facts in this case are contained in a letter dated May 27, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington D. C., May 27, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 3287) for the relief of Olga Rubin Donn Bornes, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files

relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary the status of a permanent resident of the United States as of the date of enactment of the bill, upon payment of the required visa fee. It also directs that one number be deducted from the quota for Poland, for the first year that such quota is available.

The beneficiary, as the spouse of a United States citizen, is entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

COMMISSIONER.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE OLGA RUBIN DONN BORNES, BENEFICIARY OF PRIVATE BILL H. R. 3287

The beneficiary, a native of Poland, who now claims to be stateless, was born January 12, 1909. On March 30, 1952, she married Murray Bornes, a United States citizen. They presently reside in Brooklyn, N. Y. Mrs. Bornes, since August 1952 has been employed by the Jacoby-Bender Corporation of Queens, N. Y., as a rivet machine operator. Her average earnings are approximately $45 per week. While in Poland, Mrs. Bornes completed 11 years of public school, specializing in the art of sewing. Since February 11, 1955, Mrs. Bornes has not reported for work due to a kidney ailment. She is receiving weekly benefits of about $23 from a medical insurance plan. Mrs. Bornes claims assets consisting of $150 in cash, a $500 bond posted with this Service, and about $1,000 in personal and household belongings. Other than her husband, Mrs. Bornes' only close relative is her sister, who is a resident and citizen of Belgium. Before coming to the United States, Mrs. Bornes resided in Belgium and the Belgian Congo, for about 3½ years, during which time she was employed as a governess.

The beneficiary's only arrival in the United States occurred at the port of New York, N. Y., on June 8, 1950, when she was admitted as a visitor until December 7, 1950. An application for extension of her temporary stay was denied, and Mrs. Bornes was given until July 9, 1951, within which to depart from the United States. She failed to so depart and remained in the United States without authority. Therefore, deportation proceedings were instituted on August 21, 1951. At a warrant hearing held November 30, 1951, an order was entered granting the beneficiary voluntary departure with deportation as an alternative. This order is still outstanding. On May 17, 1954, Mrs. Bornes applied for adjustment of her immigration status under section 6 of the Refugee Relief Act of 1953. Her application was denied for the reason that as the spouse of a United States citizen, she is not chargeable to any quota.

Mrs. Bornes was also the beneficiary of private bills H. R. 4562, 82d Congress, June 21, 1951, and H. R. 5087, 83d Congress, May 7, 1953.

Mr. Multer, the author of H. R. 3287, submitted the following affidavits in support of his bill:

AFFIDAVIT

In the Matter of Private Bill No. H. R. 3287 for the Relief of Olga Rubin Donn Bornes

To: House Judiciary Committee.

STATE OF NEW YORK.

County of Kings, ss:

Olga Rubin Donn Bornes, being duly sworn, deposes and says:

I am making this affidavit in support of H. R. 3287, which is a private bill introduced by Representative Abraham J. Multer. The purpose of the aforementioned bill is to grant me permanent residence in the United States.

I was born in Lwow, Poland, on January 12, 1909. I resided there with my family until we were separated during World War II.

I was 1 of a family of 3 brothers and a sister. My mother died when I was 7 years old. When the Nazis overran Poland, in September of 1939, my father, two of my brothers and I were herded into the Ghetto in Lwow. My third brother was taken to a concentration camp in Drochobycz, Poland.

On March 17, 1940, I was married to Felix Donn, who had also been confined to the ghetto. He managed to escape, but was recaptured by the Germans and placed at slave labor in a concentration camp in Lwow. In 1942 he became injured while working and was executed by the Nazis in a gas chamber. In 1943, the Nazis also killed my father in a gas chamber. In the same year they shot and killed my two brothers who were confined to the ghetto with me.

Later that year I managed to escape from the ghetto and fled to the gentile section of Lwow, where I was fortunate enough to find a gentile family who hid me from the Nazis for approximately 17 months.

In 1944, when the Russians "liberated" the city, I was ordered by the Communist authorities to leave Poland. I obtained passage to the Belgian Congo and went to live there with my married sister. After the death of her husband, I went to live in Brussels, Belgium, and while living there I communicated with cousins of mine who are citizens of and reside in the United States. These are:

1. Mr. Benjamin Spritzer, 1414 East 12th Street, Brooklyn, N. Y.
2. Mrs. Julia Chariff, 3260 Coney Island Avenue, Brooklyn, N. Y.
3. Mr. Nathan Rubin, 1610 Avenue A, Brooklyn, N. Y.
4. Dr. Irwin I. Spritzer, care of V. A. General Hospital, Albany, N. Y.

These relatives arranged for me to come to the United States on a visitor's visa and I arrived in this country through the port of New York on July 8, 1950. In November of 1950, I made an application to the Immigration and Naturalization Service to extend the time of my stay in the United States. The Immigration Service extended the time until February 1, 1951, pending a security check. In January of 1951, the Immigration and Naturalization Service granted me the the full extension allowed by law, until May 9, 1951.

In April of 1951, I made a further application to extend the time of my stay in the United States. This application was denied by the

Immigration and Naturalization Service and I was given 60 days after May 9, 1951, within which to voluntarily depart from the United States.

On June 21, 1951, a private bill, H. R. 4562, was introduced in the 1st session of the 82d Congress by Representative Abraham J. Multer, to grant me permanent residence in the United States. In July of 1951, Mr. Multer received a communication from the Commissioner of Immigration, stating that, pursuant to law, deportation proceedings would be commenced against me. The Commissioner stated in his letter to Mr. Multer that "The institution of such proceedings contemplates that a hearing will be accorded for the purpose of developing all the facts relating to deportation and eligibility for discretionary relief which may be available under the applicable immigration laws."

On August 6, 1951, pursuant to a notice received by mail from the Immigration and Naturalization Service, I appeared before it for a preliminary hearing in reference to the deportation proceedings. Thereafter, and on or about August 14, 1951, I received a notice in writing to appear on August 21, 1951, at the Office of the Immigration and Naturalization Service, 107 West 62d Street, New York, N. Y., so that a warrant of arrest could be served on me. On that date I appeared, was served with the warrant and then was released on my own recognizance pending further examination. Thereafter, by a written notice dated November 9, 1951, I was summoned to appear before the Immigration and Naturalization Service on the 20th day of November 1951, for the formal hearing under the warrant of arrest which had been previously served upon me. I appeared on that day, but the formal hearing was adjourned, and was not held until November 30, 1951.

Thereafter, by a letter dated February 11, 1952, the Immigration and Naturalization Service advised me that a deportation order would not be entered, but that I might voluntarily leave the United States on or before April 27, 1952. Subsequently, the Immigration Service was advised of the pendency of H. R. 4562 and the order requiring me to voluntarily depart on or before April 27, 1952, was revoked and otherwise nullified pending final outcome of H. R. 4562. I was granted the right to voluntarily depart from the United States within 60 days if action on the bill was unfavorable.

On March 30, 1952, I was married to Murray Bornes, of 760 Linden Boulevard, Brooklyn, N. Y., who at that time was an immigrant alien of Polish nationality.

The 82d Congress adjourned without having taken any action on H. R. 4562. Thereafter, by a letter dated May 4, 1953, the Immigration and Naturalization Service notified me that I was in the status of a person required to depart from the United States without Government expense. On May 7, 1953, at the 1st session of the 83d Congress, another private bill to grant me permanent residence in the United States (H. R. 5087) was introduced by Representative Abraham J. Multer.

As a result thereof, on May 18, 1953, the Commissioner of Immigration instructed the New York District Office to continue to allow me to remain in the United States pending the outcome of this bill.

Thereafter, on May 17, 1954, I submitted to the Immigration and Naturalization Service an application under section 6 of the Refugee Relief Act of 1953, for permanent residence in the United States.

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On September 2, 1954, at a ceremony presided over by a judge of the United States District Court for the Eastern District of New York, my husband, Murray Bornes, became an American citizen.

On December 16, 1954, a hearing was held on my application under section 6 of the Refugee Relief Act of 1953, before Mr. Bertram M. Bernard, a hearing officer assigned to the Immigration and Naturalization Service. Mr. Bernard reviewed the facts of the application, but made no official findings of fact for the record. He then summarily denied the application on the grounds that, inasmuch as I was entitled, as a matter of right, to a nonquota visa under the present immigration law, I was no longer eligible to seek relief under section 6 of the Refugee Relief Act.

On January 27, 1955, during the current session of Congress, another private bill to grant me permanent residence in the United States (H. R. 3287) was introduced by Representative Abraham J. Multer.

On February 15, 1955, the action on the part of the hearing officer, in denying my application under section 6 of the Refugee Relief Act of 1953, was approved by the acting regional commissioner, northeast region, and the matter was then turned over to the Parole Section of the Immigration and Naturalization Service.

Thereafter, by a letter dated March 16, 1955, I was informed by the Immigration and Naturalization Service that I have until August 1, 1955, to depart voluntarily from the United States. Under the present Immigration and Naturalization law, I can obtain the status of a permanent resident in the United States only if I leave the country, apply at an American consul for a nonquota visa, and then reenter the United States.

In spite of the fact that the way is now open to me to obtain permanent residence in the United States, without resort to a private bill, I am respectfully requesting relief by means of this bill, because I am now in very poor physical health as a result of a severe kidney ailment, and I am fearful that my life may be further endangered if I am forced to leave the United States in order to obtain the status of a permanent resident.

I am annexing herewith a statement by Dr. Israel J. Baron, of 1836 Ocean Parkway, Brooklyn, N. Y., which describes my illness in detail. Dr. Baron has been treating me during the past few years for the kidney ailment which I am afflicted with and I believe he is best qualified to describe, in a dispassionate manner, the extent and seriousness of my illness.

I am one of many whose past holds nothing but memories of the tragedy of pain, persecution, death of family and loss of home. The hope I had for a new life, with a measure of security and peace, rested in my being able to continue to build a new existence for myself in the United States. The day my husband became an American citizen I was able at long last to look forward to a secure and happy future, knowing that my husband and I might live together here in the United States, without fear of what the future would hold in store for us. However, I now find that I am very ill and may never be able to live a normal life, free from the constant danger that I may be fatally stricken as the result of the kidney ailment which now afflicts me. While I am here in the presence of my husband and family I feel secure and unafraid, knowing that I will be well cared for in any emergency. The only hope I have to continue to reside at home, where I know I will be adequately cared for, rests with the possibility

that this bill, H. R. 3287, may be favorably acted upon, and that I may thereby attain the status of a permanent resident in the United States, without having to undertake the danger entailed in my leaving the country.

I, therefore, respectfully pray that favorable action be taken on H. R. 3287; that I may, by this act of Congress, be granted the status of a permanent resident in the United States.

OLGA RUBIN DONN BORNES.

Sworn to before me this 16th day of April 1955.

[SEAL] NATHAN KESSLER.
Notary Public, State of New York.

Commission expires March 30, 1956.

BROOKLYN, N. Y., *April 15, 1955.*

To Whom It May Concern:

The above-named patient was referred to me by Dr. Lipsenthal, her family physician, on October 9, 1953, for a complete urological examination. Her symptoms consisted of hematuria and frequency. Her physician discovered that she has pus in the urine. Patient was told that she had a stone in the right kidney. Complete examination conducted by me in October 1953, revealed a staghorn calculus in the right kidney with a fair function. The left kidney appeared normal.

Patient was advised to enter the hospital, which she did on October 12, 1953. During the course of her admission the right kidney was operated on by me and the stones removed. Patient was discharged from the hospital on October 27, 1953.

Six months later patient appeared in my office for a checkup and both kidneys appeared to be functioning normally. I did not see the patient again until February 1955, when her physician informed me that she began having pain over the left kidney associated with chills and fever. A checkup performed in my office at that time revealed that the left kidney was completely obstructed due to a stone. The right kidney was functionless.

She was advised to enter the Kings County Hospital for further advice and treatment. Patient was accordingly admitted to the Kings County Hospital on February 21, 1955 and discharged on March 11, 1955. A complete checkup at the Kings County Hospital also revealed the fact that the right kidney was not functioning. The left kidney was poorly functioning and patient had an anemic condition. She insisted on being discharged when she was informed that more surgery would have to be performed. This surgery will involve the removal of her right kidney, and will be performed in the near future as soon as she is strong enough to undertake this operation.

In conclusion, Olga Bornes is a very sick girl and it is essential that she remain indefinitely under the constant supervision of a urologist. In the event that the left kidney becomes obstructed again due to calculi and they do not pass within a short space of time, emergency surgery must be performed or the patient's life will be threatened. I therefore advise against any lengthy trip.

Respectfully yours,

I. J. BARON, M. D.

David and Lynda Harden—H. R. 5447, by Mr. Baldwin

The beneficiaries are orphan children, each 3 years of age, who are natives of Ireland and were admitted to the United States in 1954 as citizens of the United States. A passport was issued to their foster mother, Mrs. Charles O. Harden, in which their names were included, upon the submission of a declaration indicating the children to be the natural children of Mrs. Harden. Major and Mrs. Harden have stated that they had no unlawful intent and that their acts and procedure were based upon consultation with, and advice received from, the Staff Judge Advocate's Office in Dublin.

The pertinent facts in this case are contained in a letter dated July 13, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 13, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D. C.

DEAR Mr. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5447) for the relief of David Alan Harden and Lynda Ann Marie Harden, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Sacramento, Calif., office of this Service, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fees. It would also direct that two numbers be deducted from the appropriate immigration quota.

The latest available information indicates that the quota of Ireland, to which these beneficiaries are chargeable, is not oversubscribed. Accordingly, it appears that they may be able to obtain quota immigrant visas.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DAVID ALAN AND LYNDA ANN MARIE HARDEN, BENEFICIARIES OF PRIVATE BILL H. R. 5447, 84TH CONGRESS

The following information was furnished by Major and Mrs. Charles O. Harden, interested parties and foster parents of the beneficiaries.

David Alan was born December 2, 1952, and Lynda Ann Marie was born December 4, 1952. The foster parents obtained them from a nursing home in Dublin, Ireland, shortly after their birth. The children were born of different mothers, presumably unwed Irish girls, who are not identified. The children now reside with the foster parents at Travis Air Force Base near Fairfield, Calif.

The beneficiaries entered the United States with their foster parents on the steamship *United States* May 11, 1954, at New York. They did not enter as aliens inasmuch as they had been included in the United States passport of Mrs. Harden at the American Embassy in Dublin, Ireland, pursuant to a declaration executed by her to the effect that the beneficiaries were the foreign-born minor children of American parents. This declaration indicated that they were the natural children of Mrs. Harden. This was supported by birth and baptismal records which also had been executed to reflect that Mr. and Mrs. Harden were the natural parents of these children. The Hardens claim that this method of recording births of children in this category is not uncommon there; that in arranging documentation for the children they were impelled only by their desire to bring them to the United States; that they had no unlawful intent and that their acts and procedure were based upon consultation with, and advice received from, the Staff Judge Advocate's Office in Dublin.

In the circumstances and due to the extreme youth of the beneficiaries deportation proceedings have not been instituted. It would appear that in view of the condition of the quota for Ireland there should be no difficulty in obtaining immigrant visas in contiguous territory for these children to enter the United States lawfully for permanent residence.

The interested parties are native born citizens of the United States. Major Harden has been with the United States Armed Forces for 18 years and was stationed in Dublin, Ireland, at the time the beneficiaries were born. At the present time he is Chief, Budget and Accounting Branch, 5th Air Base Group, Travis Air Force Base. His income is $727 per month and he has assets approximating $15,000. Proceedings have been initiated to adopt the beneficiaries, and the care and attention and home that have been provided for them are above the average.

Mrs. Altha A. Barry—H. R. 8049, by Mr. Lane

The beneficiary is a 35-year-old native and citizen of the British West Indies who was admitted to the United States as a visitor in 1949, and subsequently had her status changed to that of a foreign government official. She is the wife of a citizen of the United States but her application for adjustment of status was denied because she had had a prior attack of insanity.

The pertinent facts in this case are contained in a letter dated April 3, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 3, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8049) for the relief of Mrs. Altha A. Barry,

there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of that file.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

It appears that the beneficiary is eligible to nonquota status in the issuance of an immigrant visa.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. ALTHA A. BARRY, BENEFICIARY OF H. R. 8049

The beneficiary was born in Kingston, Jamaica, British West Indies, on April 22, 1921. She married John Joseph Barry on April 25, 1953, in Washington, D. C. The beneficiary's mother is deceased. The whereabouts of her father is unknown. She attended elementary school in her native country and thereafter took a course in stenography. She is presently a housewife and resides with her husband in Washington, D. C.

The beneficiary was admitted to the United States at Miami, Fla., on December 28, 1949, as a visitor. She applied for a change of status to that of a foreign government official on February 1, 1950. This application was approved by this Service and she was thereafter employed as a clerk by the British Joint Service Mission and the Pan American Sanitary Bureau of the World Health Organization in Washington, D. C., She resigned from this position on September 30, 1954.

The beneficiary suffered a nervous breakdown in November 1954, and was adjudged to be of unsound mind. She was hospitalized in Washington, D. C., until May 15, 1955. Her legal status was restored by court order on November 17, 1955.

The beneficiary filed an application with this Service on August 4, 1954, for adjustment of her status to that of a permanent resident under section 245 of the Immigration and Nationality Act. Final action on such application has been deferred pending the results of examinations being made by the United States Public Health Service concerning the beneficiary's physical and mental condition.

The beneficiary's husband, John Joseph Barry, is a citizen of the United States. He was born on February 6, 1926, in Lawrence, Mass. He is employed by the United States Government at a salary of $6,000 per year. He has cash savings in the amount of $500.

Representative Lane, the author of H. R. 8049, submitted the following information in support of this legislation:

WASHINGTON, D. C., *January 10, 1956.*

Congressman THOMAS J. LANE,
House Office Building,
Washington, D. C.

DEAR CONGRESSMAN LANE: I am writing to you for assistance in obtaining permanent residence for my wife, Altha A. Barry, who is presently a British subject. Due to my wife's illness (a nervous breakdown) this past year, I understand she is no longer eligible to obtain her permanent residence through the usual immigration and naturalization procedures.

I, therefore, desire the adjustment of my wife's immigration status by the enactment of a congressional bill waiving section 212 (A) (3) of Public Law 414, thereby obtaining permanent residence for her in the United States of America.

My wife entered the United States at Miami, Fla., on December 28, 1949 with a section 3 (2) temporary visitor visa No. 761671, British passport No. 146767. In February 1950, my wife began working for the British Joint Service Mission, Washington, D. C., and received a section 3 (1) Government visa, which was obtained for her by the British Embassy here. She continued to hold this type visa until April 14, 1952, when she went to work for the World Health Organization of the United Nations in Washington, D. C. At that time the aforementioned visa was canceled and she was informed that her status was that of an international employee, and that no visa would be issued until she left the country and returned.

In July 1952, my wife applied for an immigration visa through the United States consulate in Montreal, Canada. In November 1952, all necessary documents and papers were forwarded to the United States consulate in Montreal, Canada.

My wife and I were married on April 25, 1953, in Washington, D. C. We were notified by the consulate in March 1954, that my wife now qualified for a nonquota or preference quota immigration status. On August 3, 1954, my wife submitted the necessary documents and check ($25) with her application for permanent status to the Immigration and Naturalization Service in Washington, D. C.

Before my wife was called for her personal interview and physical examination, she suffered a nervous breakdown and a legal commitment was necessary to St. Elizabeths Hospital in Washington, D. C. My wife recovered her health and was released on April 15, 1955. Her final interview with the hospital staff took place in October 1955 and she received her discharge from the hospital on November 8, 1955. On November 17, 1955, the United States district court issued an order of restoration to legal status.

Since my wife has been released from the hospital, she has been in excellent health and is presently engaged in running our household. We are also at present expecting our first child who will be born in June of this year.

I have been employed by the United States Government since June of 1951, and expect that in the future my duties will include service abroad.

I understand from the Immigration and Naturalization Service that if the bill, mentioned in paragraph 2, is not passed by the end of this Congress, they will have no choice but to carry out the ajudication of

her case and begin deportation proceedings since she has no other recourse.

I respectfully request, therefore, that you file such a bill that would enable my wife to obtain permanent residence in the United States and eventually gain her citizenship.

Respectfully yours,

JOHN J. BARRY.

[*Attachment*]

1. My wife's name: Altha Augustine Barry.
2. Date of birth: April 22, 1921.
3. Place of birth: Kingston, Jamaica, British West Indies.
4. Citizenship: Citizen of the British Commonwealth.
5. Port and date of entry: Miami, Fla., December 28, 1949.
6. Type of visa on entry: Section 3 (2) temporary visitor No. 761671, British passport No. 146767 (canceled 1953).
7. Employment and visa:
   (*a*) British Joint Services Mission, Washington, D. C., February 1950 to April 1952. Visa section 3 (2) Government official.
   (*b*) World Health Organization, United Nations, Washington, D. C., April 1952 to September 1954; no visa, international organization employee.
   (*c*) Present date, housewife, no visa status.
8. Department of Immigration and Naturalization case file V-761671.
9. British passport: C-503914 (issued by the British Embassy in Washington, D. C., October 1953).
10. Date of marriage: April 25, 1953, in Washington, D. C. (see certificate of marriage attached).
11. Hospitalization:
   (*a*) Georgetown University Hospital, November 13 to 15, 1954.
   (*b*) District of Columbia General, November 15 to December 7, 1954.
   (*c*) St. Elizabeths Hospital: December 7, 1954, admitted; April 15, 1955, released; November 8, 1955, discharged.
12. Court order of restoration of legal status, 1616-54, November 17, 1955.
13. My address: John J. Barry, 2738 Ordway Street NW., Washington, D. C.
14. Telephones: Home, EM 3-6216; Office EX 3-6115, extension 2637.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

(Filed November 17, 1955)

In re Altha Barry (Mental Health No. 1616-54)

ORDER OF RESTORATION TO LEGAL STATUS

It appearing to the satisfaction of the court that Altha Barry, who was found to be of unsound mind in the above-entitled cause, and committed to St. Elizabeths Hospital on the 7th day of December, 1954,

has recovered her reason and has been discharged from treatment in the said hospital, as is evidenced by the certificate of the superintendent of said hospital filed with the clerk of this court, it is, by the court, this 17th day of November 1955,

Ordered, that the said Altha Barry be, and she is hereby, restored to her former legal status as a person of sound mind.

By the court:

[SEAL] EDWARD A. TAMM, *Judge.*

A true copy

Attest:

HARRY M. HULL, *Clerk,*
LOIS A. PACHLER, *Deputy Clerk.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
ST. ELIZABETHS HOSPITAL,
Washington, D. C.

Re Altha Barry, discharged December 9, 1955

Hon. THOMAS J. LANE,
House of Representatives,
Washington, D. C.

DEAR MR. LANE: This is to acknowledge your letter of November 29, 1955, in further reference to Mrs. Altha Barry who was a patient at St. Elizabeths Hospital from December 7, 1954, to November 8, 1955.

Mrs. Barry was discharged from this hospital on November 8, 1955, and as required by the act of Congress approved February 23, 1905, a certification of recovery was prepared here and transmitted to the clerk of the United States District Court for the District of Columbia as formal notice to the court of the patient's recovery and discharge from the hospital. On November 17, 1955, an order of restoration to legal status was issued in the court named, in Mental Health No. 1616–54, and signed by Judge Edward A. Tamm ordering Mrs. Altha Barry's restoration to her former legal status as a person of sound mind. These facts are of record in the Mental Health Division, the United States District Court for the District of Columbia, the Courthouse, Washington 1, D. C.

We are very glad that Mrs. Barry was able to return to her home as recovered and resume her normal life.

Sincerely yours,

WINFRED OVERHOLSER, M. D.,
Superintendent.

Eleanor Bertoni—H. R. 9798, by Mr. Simpson of Pennsylvania

The beneficiary is a 26-year-old native and citizen of Germany who is the wife of a citizen of the United States. She was issued a nonquota immigrant visa, but while she was en route to the United States she suffered an attack of insanity and was paroled into the United States. The beneficiary resides in Pennsylvania with her husband and their three children, all of whom are citizens of the United States.

The pertinent facts in this care are contained in a letter dated May 28, 1956, from the Commissioner of Immigration and Naturalization

to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 28, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 9798) for the relief of Eleanor Bertoni, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of that file.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee and head tax. It would also direct that one number be deducted from the appropriate immigration quota. It should be noted that the Immigration and Nationality Act does not require payment of a head tax.

It appears that the beneficiary is eligible to nonquota status in the issuance of an immigrant visa. However, as she has been heretofore certified as being insane, she may be ineligible to receive a visa and inadmissible to the United States under paragraphs (2) and (3) of section 212 (a) of the Immigration and Nationality Act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELEANOR BERTONI, BENEFICIARY OF H. R. 9798

The beneficiary was born on January 6, 1930 in Nurnberg, Germany. She married Joseph Bertoni, a citizen of the United States, in Germany on April 15, 1952. They have three children who are citizens of the United States: Evelyn, born September 1, 1951; Raymond, born July 15, 1954; and Ralph, born August 29, 1955. The beneficiary's parents and one brother reside in Germany. She completed 9 years of schooling in her native country and was employed by the United States Army and the United States Military Government in Germany from 1947 to 1952 as an interpreter, clerk, and accounting supervisor.

The beneficiary was issued a nonquota immigrant visa in Munich, Germany, on September 12, 1952. While en route to the United States she displayed symptoms which indicated an unbalanced mental condition. Upon her arrival in the United States on November 1, 1952, she was referred to the United States Public Health Service for examination. Their diagnosis of her condition was "schizophrenic reaction, hebephrenic type, class A." She was given treatment and placed under observation. On December 19, 1952, she had a relapse and was given additional treatments. The beneficiary was accorded a hearing on March 3, 1953, and

ordered excluded from admission to the United States in that she was an alien who had been certified as being insane. However, she was paroled into the United States and has since resided with her husband and children in Lewisburg, Pa. Private bill H. R. 3629, which was introduced in the beneficiary's behalf in the 83d Congress, was not enacted.

The beneficiary's husband, Joseph Bertoni, was born on January 18, 1930, in Lewisburg, Pa. He was a member of the United States Army from August 11, 1948, to July 19, 1952. He served 41 months in Europe, where he met the beneficiary. He is a barber and has an income of approximately $3,100 annually. His assets consist of $4,000 in personal property and $1,500 equity in his home, which is valued at $7,100.

Mr. Simpson of Pennsylvania, the author of H. R. 9798, appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of this legislation. In support of his bill, Mr. Simpson submitted the following letters and statements:

LEWISBURG, PA., *May 15, 1956.*

Re Mrs. Eleanor Bertoni

Hon. RICHARD SIMPSON,
House of Representatives, Washington, D. C.

DEAR SIR: Mr. Joseph Bertoni, of Lewisburg, Pa., has asked me to write you concerning the state of health of his wife, Eleanor, since she has been in this country.

I first saw Mrs. Bertoni in November of 1953 and have been her family physician since that time. I can state without contradiction that her physical health is excellent. She has had 2 children since then, 1 in July of 1954 and 1 in August of 1955. She came through both of these deliveries in excellent condition and remains so today.

As you know, Mrs. Bertoni had an emotional upset requiring psychiatric care upon her admission to the United States. Since I have known her there has been no sign of a recurrence of this condition. With the exception of some degree of homesickness which I consider quite normal in this situation, she has maintained a high plane of emotional health. Mrs. Bertoni is intelligent, well read and well educated and I feel has adjusted to her life as an American mother and housewife in exemplary fashion.

If I can be of any further help to you in this situation, please let me know.

Sincerely yours,

H. C. STAMEY, M. D.

LEWISBURG, PA., *May 2, 1956.*

Re Ellinor Bertoni

COMMITTEE ON JUDICIARY,
Subcommittee on Immigration,
House of Representatives, Washington, D. C.

HONORABLE SIRS: With a desire to make your information current concerning my family position and condition, particularly with regard to my wife, Ellinor Bertoni, the subject of House bill H. R. 9798, I submit the following:

I continue to be self-employed as a barber with my place of business at 27 South Third Street, in Lewisburg, Pa., and from my business I realized a net income of $2,600 for the calendar year 1955.

As tenants by the entireties, my wife and I have purchased a house, our present residence, which is a two-story frame dwelling having purchased same May 10, 1954, for a price of $7,100. There is a lien against the house in favor of the Mount Carmel First National Bank in the amount of $5,895.

I own a 1953 Dodge sedan automobile, on which there is a balance due of $90.

We maintain a nominal checking account in the Union National Bank of Lewisburg, Lewisburg, Pa.

We have three children, namely Evelyn Rose, who was born September 1, 1951; Raymond J., who was born July 15, 1954; and Ralph G, who was born August 29, 1955. All of our children are normal, well adjusted, English-speaking children and are accepted in the community and our immediate neighborhood.

Since my wife has been admitted to my custody, I have had her examined by Dr. Brickhouse, of Fourth Streeet, in Williamsport, Pa., who stated that there was no indication, of a nervous condition existing in her present state. This examination was made 3 weeks after she was released to my custody.

My wife's mental attitude is excellent, her physical condition is excellent, and she has no known physical or mental infirmities. She is English speaking, apparently normal, well adjusted, and well accepted in the community and in our neighborhood, and is extremely anxious to become a citizen of the United States.

Our family physician who attended my wife during her two latest pregnancies and has treated our family for usual and normal illnesses is Dr. Harry C. Stamey, of 711 Market Street, Lewisburg, Pa.

Personally, I have provided adequately for my family insofar as the necessities and the luxuries of a person in my station of life and I am extremely pleased with the splendid domestic relationship which exists between my wife and I, and the love which we share for our children.

I am extremely grateful to the authorities that made it possible for me to have my wife and family with me during the past few years, and it is the sincere and earnest desire of my wife and I that your committee may find it to be for the best interests of the Nation and our particular community to permit my wife to become an American citizen.

I shall appreciate everything that your committee may do to serve this end.

Respectfully yours,

JOSEPH G. BERTONI.

CHRIST'S EVANGELICAL LUTHERAN CHURCH,
Lewisburg, Pa., May 7, 1956.

Congressman RICHARD SIMPSON,
Washington, D. C.

DEAR CONGRESSMAN SIMPSON: This letter is being written in behalf of Mrs. Joseph George Bertoni (nee Ellinor Prell), 232 North Front Street, Lewisburg. Mrs. Bertoni came to America on Novem-

ber 1, 1952, from Germany, having married Mr. Bertoni who was with the United States Armed Forces. This letter is being written to you by me, her pastor, to indicate her excellent mental attitude and health and to indicate how wonderfully she has adjusted herself during the past few years.

She is a member of my congregation, has three healthy children (Evelyn, who will be 5 in September; Raymond, who will be 2 in July; and Ralph, who will be 1 in August), and she is making the adjustment to life in her adopted country in a most commendable manner. She speaks English excellently and is teaching the children in English and is also rearing them according to the finest standards of our Lutheran Church.

I want to recommend her highly as caliber for a most worthy and able citizen of our beloved land. The family into which she has married are all among the finest and most respected members of my congregation. This relationship with a fine family is also of inestimable value to her in making the fine adjustment that she has thus far made.

I shall be glad to be of any help that I can in further aiding Mrs. Bertoni or in supplying to you information that will be of help in your dealings with her.

Most sincerely,

[SEAL] GEORGE K. BOWERS, *Pastor.*

LEWISBURG, PA., *May 10, 1956.*

Re Ellinor Bertoni.

Honorable MEMBERS, SUBCOMMITTEE ON IMMIGRATION,
COMMITTEE ON THE JUDICIARY,
House of Representatives, Washington, D. C.

HONORABLE SIRS: It is a pleasure for me to write to you in behalf of Mr. and Mrs. Joseph Bertoni of 232 North Front Street, Lewisburg, Pa., and ask your support of House bill No. 9798.

Mr. and Mrs. Bertoni are neighbors of mine. We live in the same block on North Front Street here in Lewisburg, Pa. They are the parents of three very fine children, Mrs. Bertoni has been a resident here since 1953, she speaks English very well, and her mental attitude since being here has been very good. I know they are honest, reliable, and patriotic, and loyal to the principles of our country. Their reputation and character are excellent. Mr. Bertoni is self-employed as a barber. They own their own automobile and a very nice home in which they live.

I sincerely hope that it may be possible for Mrs. Bertoni to effect United States of America citizenship, which I am sure she and her family desire.

Very truly yours,

ELWOOD M. FETTER.

THE UNION NATIONAL BANK OF LEWISBURG,
Lewisburg, Pa., May 8, 1956.

Hon. RICHARD SIMPSON,
Washington, D. C.

DEAR SIR: This is to certify that Ellinor Bertoni, wife of Joseph Bertoni, is a customer of this bank.

She is the mother of 3 children, 1 of whom will enter public school this year, and is a good housekeeper.

She speaks English and worked for the United States for 5 years in Germany.

She is a high-school graduate and attended college for 1 year.

She listens to music appreciation records, is cheerful, industrious, and of good character.

We believe she would make a good citizen of the United States and will appreciate anything you may do for her.

Yours respectfully,

WEBER L. GERHART, Jr. *Cashier.*

LEWISBURG, PA., *May 2, 1956.*

Re Ellinor Bertoni

HONORABLE MEMBERS,
SUBCOMMITTEE ON IMMIGRATION,
COMMITTEE ON THE JUDICIARY,
House of Representatives, Washington, D. C.

HONORABLE SIRS: It is a sincere pleasure for me to write to you to request your support and consideration of House bill No. 9798 on behalf of Mr. and Mrs. Joseph G. (Ellinor) Bertoni.

Mr. Bertoni and I were reared in the same block in the Borough of Lewisburg and I became very closely acquainted and familiar with his family. Since I have been admitted to the practice of law, I have represented his family in the matter of general counsel and advice and I wish to state that of my own knowledge I know that Mr. and Mrs. Bertoni and their three children constitute a fine family unit of their community and I know them to be honest, sincere, religious and patriotic, and their reputation and character are excellent.

I shall personally appreciate every effort that can be made by your committee and the other honorable Members of the House of Representatives to make it possible for Mrs. Bertoni to effect the citizenship, which she most sincerely desires, that of the United States of America.

Thank you for your consideration in this matter.

Very truly yours,

W. ROGER FETTER.

Rosa Alaton Eskenazi—H. R. 4463, by Mr. Powell

The beneficiary is a 68-year-old native of Turkey who is a widow. She was admitted to the United States as a visitor in 1950 and resides in New York with her United States citizen daughter. She has two other daughters, one of whom is also a United States citizen residing in this country, and the other one resides in the Philippines.

The pertinent facts in this case are contained in a letter dated June 3, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 3, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4463) for the relief of Rosa Alaton Eskenazi, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y. office of this Service, which has custody of those files.

The bill would grant the alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota. The bill further provides for the posting of a public-charge bond pursuant to section 213 of the Immigration and Nationality Act.

The beneficiary is chargeable to the quota for Turkey.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROSA ALATON ESKENAZI, BENEFICIARY OF H. R. 4463

The beneficiary, Rosa Alaton Eskenazi, also known as Rosa Alaton Escanazi, was born on May 16, 1888, in Haskoiy, a district of Istanbul, Turkey. She now claims to be stateless. The beneficiary is a widow. She has 3 married daughters, 1 of whom is a citizen of the United States, the other a lawful resident alien of the United States and the third a resident of the Philippine Islands. The beneficiary resides in the Bronx, N. Y., with her United States citizen daughter, Mrs. Susanna Abolafia, who is also a widow. While on board ship en route to the United States from the Philippines in 1950, the beneficiary sustained a hip injury which has left her partially disabled and prevents her from leaving her daughter's apartment. The beneficiary has assets of approximately $4,800 in bank savings and in addition she receives an average of $100 per month from her daughter in the Philippine Islands. Her food, clothing, and other necessities are supplied by her two daughters in the United States. The beneficiary attained an education in an English school in Turkey which is equivalent to high school.

The beneficiary arrived in the United States on March 17, 1950, at the port of San Francisco, Calif., aboard the steamship *President Cleveland*. She was admitted as a visitor for a temporary period to April 9, 1950, and received extensions of stay under bond. Her last extension expired on February 15, 1955. On May 18, 1955, a warrant of arrest was issued

which charged that the beneficiary had failed to comply with the terms of her nonimmigrant status, after admission to the United States as a visitor.

Mr. Powell, the author of H. R. 4463, submitted the following affidavits in support of his bill:

AFFIDAVIT

STATE OF NEW YORK,
City of New York, County of New York

In the Matter of Rosa Alaton Eskenazi

Susanne Abolafia, being duly sworn, deposes and says:

That I reside at 1414 Wythe Place, Borough of Bronx, city and State of New York.

That I am a naturalized American citizen and was so naturalized on December 20, 1954, at the United States Federal District Court, Southern District of New York and received certificate No. 7384832. That I am the daughter of the applicant, Rosa Alaton Eskenazi.

I am making this affidavit to bring to the attention of the committee and the Congress of the United States the sad plight of my dear mother who is a permanent cripple and completely crippled, unable to move one step from her bed without assistance.

My mother who is a native born of Turkey and has been living in the Philippine Islands for the last 20 years decided in 1950 to come to visit me. On the boat coming to the United States she fell and broke her hip.

As a result of this accident my mother was taken off the boat with a stretcher and has never walked since that date. Today and since that date in February 1950 when she arrived in this country she has been under doctors care for fracture and dislocation of the right hip. This fracture can only be healed by surgery to correct the condition, if possible. However, all surgeons have refused to operate because my mother is elderly, weak, and her heart is not in good condition and because of a complete general debility.

I am submitting letters from Dr. Livingston who is attending my mother and has been attending her since 1950 certifying to these facts.

As a result of this my mother stays with me. I am a widow, and I have one child. I support myself by doing dressmaking work. I maintain my own apartment and I am home all the time. I do my dressmaking from my apartment. This enables me to attend to my mother's needs constantly.

I dress her, take care of her personal wants, feed her, undress her and put her to sleep. Without this attendance my mother would die because she is completely disabled and cannot move around.

Without my services she would have to employ somebody and work. That is out of the question because we do not have anybody who would do such services nor do we have the money to pay for such services.

My other sister, Venturina Eskenazi Zacuto who is married to Mauricio Zacuto actually gives me the money to pay for the medicines, drugs, and clothing for my mother. So between my sister and her husband and myself we completely bear the burden of maintaining and supporting my mother to make her comfortable for the few last remaining years of her life.

The only relative my mother has in the Philippine Islands is a daughter who is married and her name is Dorothy Halila. They are very poor and barely make a living. To send my mother back there would be sending her to her death because in addition to their poverty my brother-in-law Mr. Halila does not want her there.

According to the doctors my mother's span of remaining life is at most a few years. She was born May 16, 1888, and is today 68 years old suffering from a heart condition in addition to her disability from the hip fracture. It is the kindest thing in the world that could be given to her to give her this peace for a few years by making her a legal permanent resident of the United States.

Unfortunately, even though I am a citizen of the United States and my sister is a citizen of the United States which gives us the right to petition for our mother under the second preference portion of the quota laws, my mother was born in Turkey and she becomes chargeable as a result of American citizenship to the second preference portion of the Turkish quota. This quota is completely oversubscribed for many years and a very long waiting period is encountered.

We have no other administrative relief available to us and the United States Department of Justice, Immigration and Naturalization Service cannot give any further extensions of her temporary stay because my mother cannot obtain any further extensions of her reentry permit to the Philippine Islands. For that reason ultimately the Government will ask for her deportation from the United States unless she obtains relief through congressional intervention.

I plead with you as the matter of humaneness and not to bring about the destruction of my mother by her forced departure from the United States which will come about without your relief, and ask that the private bill H. R. 4463 be passed so that she could remain with us in the United States for her remaining years.

SUSANA ABOLAFIA.

Signed and sworn to before me this 23d day of April 1956.

HARRY A. COHEN,
Notary Public, State of New York.

Commission expires March 30, 1957.

BRONX, N. Y., *April 16, 1956.*

Re Rose Eskenazi.

To Whom It May Concern:

Rose Eskenazi of 1414 Wythe Place, Bronx, N. Y., has been attended by me since 1950 when she arrived in this country. On shipboard on her way to the United States Mrs. Eskenazi sustained a fracture and dislocation of the right hip. As a result of this accident patient has been continuously totally disabled. Patient is therefore unable to travel to leave the country. The right hip disability can only be corrected by orthopedic surgery and patient's poor general condition has resulted in indefinite postponement of surgery.

Sincerely yours,

STANLEY R. LIVINGSTON, M. D.

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STATE OF NEW YORK,
City of New York, County of New York.

In the Matter of Rosa Alaton Eskenazi

Venturina Eskenazi Zacuto, being duly sworn, deposes and says: That I reside at 1165 Morris Avenue, Bronx, N. Y.

That I am a naturalized American citizen and was so naturalized on March 12, 1956, at the United States Federal District Court, Southern District of New York, and received certificate No. 7610539. That I am the daughter of the applicant, Rosa Alaton Eskenazi.

I have read my sister's affidavit regarding my mother, Rosa Alaton Eskenazi.

Firstly, I wish to say that everything my sister, Susanne Abolafia, recited as to the facts and the present condition of my mother is completely correct and is substantiated by the doctor's certificate.

Secondly, I also want to reaffirm and certify that my husband, Mauricio Zacuto, actually gives the money for the doctors and medicines and clothing and all other requirements for my mother and my sister, Susanne Abolafia, attends my mother day and night from the very moment that my mother opens her eyes until she closes them.

We are very fortunate in our misfortune that my sister is a dressmaker and is home all day. Otherwise it would be impossible to care for my mother because to hire somebody would be prohibitive.

I have small children, but I come every day to see my mother and also help my sister to care for her.

There is no other way of helping my mother, except by this congressional act, because my mother is chargeable to the second preference portion of the Turkish quota which is heavily oversubscribed and even though we are American citizens we are helpless and almost hopeless unless the Congress of the United States will come to our rescue so that our mother is not deported from the United States. Believe me this deportation of my mother would kill her instantly both from a moral sense taking her away from us, and because she would have absolutely no one to care for her. She is completely disabled and like a little baby would die without the tender care that my sister and I give to her every minute that her eyes are open.

May I plead in the name of God who is my witness that this is the truth and that again in the name of God to give us this relief so that we could make the last few years of our mother's life on this earth at least a peaceful one with love, devotion, and care from us to an old sick woman.

VENTURINA E. ZACUTO.

Sworn to before me this 23d day of April 1956.

HARRY A. COHEN,
Notary Public, State of New York.

Commission expires March 30, 1957.

Dimitrios Kondoleon—H. R. 7836, by Mr. Walter

The beneficiary, Dimitrios Kondoleon, is a 23-year-old native and citizen of Greece who entered the United States as a seaman and resides with his wife and child, who are United States citizens, in Bethlehem, Pa. Mr. Kondoleon failed to furnish notification of his

address as required by the Immigration and Nationality Act. For that reason he has been denied voluntary departure from the United States and is, therefore, unable to take advantage of the nonquota status available to him by the approval of a visa petition filed by his United States citizen wife. This legislation is designed to cancel deportation proceedings against Mr. Kondoleon in order that he will be in a position to depart voluntarily from the United States and reenter lawfully.

The pertinent facts in this case are contained in a letter dated December 7, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., December 7, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7836) for the relief of Dimitrios Kondoleon, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DIMITRIOS KONDOLEON, BENEFICIARY OF H. R. 7836

The beneficiary, who is also known as James Kondolous, is a native and citizen of Greece. He was born on January 29, 1933, in Kambias, Chios Island, Greece. His parents, 2 brothers and 1 sister reside in Greece. He married Marcella Tsihlis, a citizen of the United States, at Bethlehem, Pa., on June 5, 1954. One child, John, was born of this marriage on August 7, 1955, at Bethlehem, Pa. The beneficiary resides with his wife and child at 1610 East Third Street, Bethlehem, Pa. He completed 10 years of schooling in Greece. Thereafter he was a seaman. Since 1953 he has been employed as a polisher by the Superior Metals Co. in Bethlehem, Pa. His present salary is $75 a week. He has assets consisting of personal property and household furnishings which are valued at $2,000.

The beneficiary was last admitted to the United States on May 20, 1953, at Baltimore, Md., as a seaman. He deserted his ship and willfully remained in the United States for a longer period of time than authorized in violation of section 252(c) of the Immigration and Nationality Act. He also

willfully failed to notify the Attorney General of his address in violation of section 265 of that act. Deportation proceedings were instituted against him on these grounds and he was ordered deported. Such order of deportation is now outstanding.

The beneficiary failed to register for service with the United States Armed Forces as required by the Selective Service and Training Act of 1948. This violation of law and the beneficiary's violations of sections 252(c) and 265 of the Immigration and Nationality Act were brought to the attention of the United States district attorney for the eastern district of Pennsylvania, who declined prosecution. The beneficiary has now been registered for military service with the United States Armed Forces.

Mr. Walter, the author of H. R. 7836, testified before a subcommittee of the Committee on the Judiciary in support of his measure, and submitted the following additional information from the Immigration and Naturalization Service regarding the reasons for Mr. Kondoleon's inability to adjust his immigration status administratively.

DEPARTMENT OF JUSTICE,
BOARD OF IMMIGRATION APPEALS,
July 28, 1955:

In re: Dimitrios Kondoleon or James Kondoleon or Dimitrios Kontolios

In Deportation Proceedings in Behalf of Respondent: Clinton Budd Palmer, Esq., Northampton National Bank Building, Easton, Pa.

CHARGES

Warrant:

Act of 1952, failed to comply with conditions of status, crewman.

Act of 1952, failed to furnish notification of address or other information and has not established that such failure was reasonably excusable or was not willful.

Application: Voluntary departure.

Detention status: Released on conditional parole.

This case is before us on appeal from a decision entered by the special inquiry officer on February 23, 1955, finding the respondent statutorily ineligible for voluntary departure and directing that respondent be deported from the United States on the charges contained in the warrant of arrest. Exception is taken to the finding as to deportability and to the denial of voluntary departure.

The respondent is a 22-year-old married male alien, a native and citizen of Greece. He has never been lawfully admitted to the United States for permanent residence. He testified that he last entered the United States at the port of Baltimore, Md., on or about May 19, 1953, as an employee of a vessel of Panamanian registry and was admitted for a period of 29 days to reship foreign. He stated that about 10 days after his arrival in the United States he decided to remain here. He never applied for an extension of stay. Deportability on the first charge in the warrant of arrest is established.

Respondent testified that he failed to furnish notification of his address in January 1954 as required by the Immigration and Nationality Act. He admitted that he knew that as an alien in the United States he was required to furnish notification of his address. He stated that he learned of such requirement in January or February 1954 but that he failed to furnish the required notice because of fear of being apprehended by the immigration authorities. In view of respondent's testimony, we agree with the special inquiry officer that the respondent has not established that respondent's failure to furnish notification of address was reasonably excusable or was not willful and that the respondent is therefore deportable on the second charge contained in the warrant of arrest (Cf. Matter of M–, 5 I and N December 216, BIA, May 6, 1953).

Counsel, on appeal, states that respondent is married to an American citizen and is the expectant father of an American citizen, which fact was not brought to the attention of the special inquiry officer. Respondent's family status has no bearing on his deportability nor does it change his ineligibility for discretionary relief. As he is deportable under section 241 (a) (5) of the Immigration and Nationality Act, the special inquiry officer is correct in holding that respondent is statutorily ineligible for the privilege of voluntary departure. Because respondent is deportable under section 241 (a) (5) and does not come within the exceptions of section 244 (e), neither the Attorney General nor any of his subordinates has the power to grant voluntary departure, even if disposed to so do. Accordingly, the appeal must be dismissed.

Order: It is ordered that the appeal be and the same is hereby dismissed.

——— ———, *Chairman.*

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Philadelphia, Pa., January 25, 1956.

Re Demitrios or James Kondoleon.

Hon. FRANCIS E. WALTER,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN WALTER: Reference is made to your letter of January 23, 1956, concerning the above-named subject who is under deportation proceedings in this district.

In reply, please be informed that a warrant of deportation was issued by this office on November 22, 1955, charging violation of section 241 (a) (9) of the Immigration and Nationality Act, in that, "after admission to the United States as a nonimmigrant, to wit, a crewman, under section 101 (a) (15) (D) of the act, he failed to comply with the conditions of such status, and section 241 (a) (5) of the Immigration and Nationality Act, in that he has failed to furnish notification of his address or other information in compliance with the provisions of section 265 and has not established that such failure was reasonably excusable or was not willful."

A stay of deportation (subject to revocation on 30 days' notice) has been granted to August 1, 1956, or 30 days following adverse action by Congress on private bill H. R. 7836.

Visa petition filed in behalf of Demitrios Kondoleon by his wife, Marcella Kondoleon was approved by this office and a notification thereof was furnished to the Department of State, for transmission to the appropriate American consulate.

Under date of January 9, 1956, Stephen S. Scopas, Esq., 280 Broadway, New York, N. Y., present counsel of record, submitted to this office application for permission to reapply for readmission into the United States after deportation and stated that he was prosecuting subject's application for a visa diligently before the Havana consulate, Habana, Cuba, and that processing should be completed within the next month or so. However, this office can take no action on the application for permission to reapply until such time as subject has actually departed from the United States.

I shall be pleased to inform you regarding the outcome.

Sincerely,

J. W. HOLLAND,
District Director.

Cesar Grana—H. R. 2250, Mr. Allen of California

The beneficiary, Cesar Grana, is a native and citizen of Peru, who is the husband of a citizen of the United States. Mr. and Mrs. Grana reside in California with their daughter who is also a citizen of the United States. Mr. Grana has been found deportable from the United States because he claimed exemption from military service while he was in the United States as a student. Subsequently, on June 13, 1945, after Peru became a cobelligerent, he was reclassified I-A.

This legislation is designed to cancel deportation proceedings in the case of Mr. Grana and, in accordance with established precedents, a proviso has been added stating that nothing in this legislation shall be construed to waive the provisions of section 315 of the Immigration and Nationality Act as they apply to Mr. Grana.

The pertinent facts in this case are contained in a letter dated April 25, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 25, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This is in response to your request for a report on private bill H. R. 2250, 84th Congress.

The beneficiary of this bill, Cesar Grana, is an alien in the United States under deportation proceedings. If enacted, the bill would in effect direct the termination of those proceedings against the beneficiary, and confer on him lawful permanent resident status in this country.

The alien, as a native-born citizen of Peru, is eligible for a nonquota status. However, it is to be noted that he is inadmissible to the United States as an alien ineligible to citizenship.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CESAR GRANA, BENEFICIARY OF H. R. 2250

Cesar Grana, also known as Cesar Soria Grana, was born on April 23, 1915, in Lima, Peru, and is a citizen of Peru.

The beneficiary is married to Pauline Janet Butler, a citizen of the United States. They were married on September 6, 1946, and have a daughter who was born in the United States. The family presently resides in Berkeley, Calif.

Mr. Gana is a graduate of the University of Lima in Peru, and received his master of arts degree from the University of California in 1947. He has completed his examinations for a doctor of philosophy degree in sociology at the University of California. Since 1949 he has been a graduate student and instructor at the University of California, with a salary of approximately $120 per month.

His wife is a nursery-school teacher at Berkeley, Calif., with a salary of approximately $320 per month.

The beneficiary last entered the United States at San Ysidro, Calif., for permanent residence on February 15, 1947. His first entry was at Miami, Fla., on September 5, 1940, as an alien student. On January 24, 1950, a warrant of arrest was issued under the charge that as an alien ineligible to citizenship he was not entitled to enter the United States under any exception of paragraph (c), section 13 of the Immigration Act of 1924 as amended.

On February 17, 1943, he executed and filed with his local draft board an exemption from military service as a neutral alien. After a hearing, the deportation charge was sustained and he was granted the privilege of voluntary departure with deportation as an alternative. His appeal from that decision was dismissed by the Board of Immigration Appeals on November 12, 1952.

The Selective Service System has informed this Service that the beneficiary was classified IV–C from February 17, 1943, the date on which he filed a claim for exemption from military service, until June 13, 1945, when he was reclassified I–A. The latter classification was the result of an automatic reconsideration of his classification after Peru became a cobelligerent country on February 11, 1945, and without regard to his prior filing of a claim of exemption since he had, on February 11, 1945, lost his status as a neutral alien.

There have been several intercedents in behalf of the alien, including his father-in-law, Mr. Perl J. Butler, Berkeley, Calif.; Mr. John Keast of Milton & Meyer Real Estate, San Francisco, Calif.; Mrs. Barbara Gleason of the Berkeley public school system; Chancellor Clark Kerr of the University of California; Dr. William R. Dennes, dean of the Graduate Division of the University of California, and Dr. Herbert Blumer, chairman of the Sociological Department of the University of California. However, the true sponsor in behalf of the alien is his wife, Mrs. Pauline Janet Butler Grana. Mrs. Grana has never served in any branch of the Armed Forces at any time.

Mr. Allen of California, the author of H. R. 2250, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill as follows:

> Mr. Chairman, H. R. 2250 has for its purpose the admission of Cesar Grana, born on April 23, 1915, in Lima, Peru, and a citizen thereof. The beneficiary is married to Pauline Janet Butler, a nativeborn citizen of the United States. They were married on September 6, 1946, and have a daughter who was born in the United States. The family presently resides at 2247 College Avenue, Berkeley 4, Calif. Mr. Grana is a graduate of the University of Lima in Peru, and received his master of arts degree from the University of California in 1947. He has completed his examination for a doctor of philosophy degree in sociology at the University of California. Since 1949 he has been a graduate-student and instructor at the University of California with a salary of approximately $120 per month. His wife is a nursery school teacher at Berkeley, with a salary of approximately $320 per month.
>
> Mr. Grana first came to the United States on September 5, 1940, as a student, and he attended the University of North Carolina, Dartmouth College, and the University of California. He registered for the draft in 1940, although he was at that time a student on a year's visa. It was the practice of the Selective Service System to classify alien students as nonresidents and they were not subject to induction while in that status. However, many draft boards were confused or uninformed as to this requirement, and it appears that Mr. Grana's draft board in Providence, R. I., believed that he must be inducted or he must claim exemption from military service as a citizen of a neutral country.
>
> He was advised to claim such exemption and did so on February 17, 1943. At this time his outlook was that of a student temporarily in this country until such time as he obtained a degree. Mr. Grana also felt that it was his family duty to remain in a position to return to Peru if he were needed there. He had left behind his mother and a minor sister. His parents were separated, and his mother received no financial aid from his father. Scholarship grants and occasional jobs around the campus were the sources of his own support in this country. In view of these facts he signed the declaration of exemption from military service. After his marriage it became apparent that the uncertainties surrounding his family in Peru were coming to an end. His mother married in 1945. The possibility of a new and independent life in this country, as well as the personal reasons for it, were now before him. Mr. Grana remained in an exempt status from 1943 to 1945. On May 10, 1945, he notified his draft board in writing that he wished to become a resident of the United States and that he wished to withdraw his claim of exemption from military service. His exemption was canceled and on June 13, 1945, he was reclassified and put in class I–A, as available for military service. Due to the fact

that the war ended shortly afterward, he was not inducted into the military service. After his marriage, Mr. Grana consulted the Immigration and Naturalization Service regarding his desire to become a permanent resident. In passing on deportation cases involving claims to military exemption, the Board of Immigration Appeals holds that a claim of exemption is nullified where the alien was actually inducted into military service.

We feel that the same principle should apply where a man voluntarily requests induction and waives the right to continued exemption. However, the board has not seen fit to follow this view, and it is on this narrow distinction that our Government proposes to force Mr. Grana to leave the United States. In consequence, his native-born wife and daughter, respectively, face the choice of renouncing their country or their husband and father. As many letters, infra, point out, Mr. Grana is an earnest and accomplished student and instructor whose record in Peru and the United States is without blemish. We believe that he acted in good faith in all his dealings with the Government, and the reasons which he lists as motivating his claim of exemption and his later decision to withdraw that claim are entirely honest and sincere. The Immigration and Naturalization Service advised Mr. Grana to have his wife petition for the issuance of a visa to him and to arrange to go to the American consulate at Tia Juana, Mexico. His wife's petition was approved by the Service, and he departed to Mexico on February 15, 1947. The consulate issued him a visa, and he was admitted to the United States on February 15, 1947, as a lawful permanent resident. Both the Berkeley draft board and the Oakland immigration office were informed of his trip to Mexico and its purpose. Mr. Grana was holding an active military classification when he was granted the visa. He returned to his duties as an instructor at the University of California and as a candidate for a doctor's degree, and has been with the university until this time.

In 1951 Mr. Grana applied for naturalization as an American citizen and then for the first time discovered that his claim of exemption from military service rendered him ineligible for American citizenship, despite his attempt to withdraw the claim. After a hearing the deportation charge was sustained and he was granted the privilege of voluntary departure. His appeal from that decision was dismissed by the Board of Immigration Appeals in November 1952.

Other than for 3 days spent in Mexico to obtain a visa, Mr. Grana has lived continuously in the United States for over 15 years. H. R. 1874 of the 83d Congress was not acted upon.

I therefore request that H. R. 2250 be given favorable consideration by this committee.

In support of the above facts, I attach to this statement excerpts from letters written to me by the following:

Cesar Grana, beneficiary, July 26, 1955:

"* * * It was only a few days ago that I had the first opportunity of looking at the Immigration Service report

on my case. After mentioning the fact that I requested a I–A classification on February 17, 1945, the report adds, without comment, that Peru became a cobelligerent on February 11, 1945. The proximity in the report of these two facts conveys the impression that I requested a change in my military status only after realizing that Peru's declaration of war would bring about such a change anyway. The line of questioning that I underwent in this respect (by the immigration authorities) suggests that this implication is there. Such an inference is completely unjustified.

"1. I testified under oath (though this is not recorded), that I was never, at any time, informed of any changes in the relationship of Peru to the war, either by Peru or by the selective service. A check of the records of the Peruvian Embassy and consulate in San Francisco, and/or the selective service will show this to be true.

"2. I could not have been aware of any change in my military status (as a result of Peru's declaration of war) at the time that I requested reclassification (February 17, 1945) since it was only between May 23 and June 12, 1945, that an agreement on the military status of Peruvians was arrived at, through an exchange of diplomatic notes, between Peru and the United States (Stat. L., vol. 59, pt. 2, pp. 1606–1608).

"3. This agreement provides that service in the Peruvian Army was acceptable to the United States, in lieu of service in the American Army. I may say, in this respect, that, by Peruvian law I have been registered for service in the Peruvian Army since the age of 18. I was at this time, as I am now, in the Peruvian reserve. Incidentally, I was not notified at any time of this alternative by the selective service, as provided for in the agreement. Not that I would have taken advantage of it as it was my expressed intention to serve in the American Army."

P. J. Butler, father-in-law of beneficiary, 2328 Warring Street, Berkeley 4, Calif., December 30, 1952:

"* * * I am moved to write you in the hopes that a tragedy, for such I consider it, may be averted by your kind intervention. The happiness and well-being of my daughter, Pauline Butler Grana, a citizen of the United States, and that of my little granddaughter, have been threatened. My son-in-law, Cesar Grana, for whom I am now as deeply concerned as for my own children—I have known him well for 7 years—has been requested by the immigration authorities voluntarily to leave the United States by January 10, 1953. This is a matter of the gravest concern to me and my entire family since in these 7 years he has gained the respect and affection of all of us. Beside regarding him as a son, we take pride in his academic accomplishments and have high hopes for his professional future in this country.

"As you will have been informed, the question involved in this case is one of military service. The immigration authorities claim that the military exemption requested at one time by my son-in-law (a national of Peru) disqualifies

him for citizenship and residence. My son-in-law maintains that his subsequent action of requesting and obtaining a 1–A classification in time of war revokes his original request.

"I regard my son-in-law as an honorable person, and I am fully convinced that his claim of exemption was understandable since he regarded himself, at the time, as a student temporarily staying in this country, whose family and responsibilities had been left behind. I am also convinced that when events of his personal life here created a different situation for him, he, in all good faith, endeavored to fulfill the duties of a resident of this country.

"If I did not feel convinced of my son-in-law's integrity, I would find it impossible, as a citizen, as a veteran, and as an active member of the American Legion, to write this letter to you in his support.

"Although my children are now married and independent, we have all managed to stay near one another here in the East Bay area. For my youngest daughter and her family to be forced to leave would come as a great sorrow to us all.

"I cannot conclude without saying that it seems to me unjust to regard as eligible for citizenship persons who arrived in this country the day after the war was over, while denying the same rights to a man who sincerely offered his services to the Armed Forces of the United States while this country was at war."

Cesar Grana, beneficiary, January 5, 1953:

"* * * I have lived one-third of my life in this country, 6 years of it in the company of my wife. A whole generation of my family, including my own child, has been born and has grown before my eyes. I myself grew up here as a person, as a man. I have met every class and condition of American. I was in New England—mountains and cities—for 3 years, for 2 in the South, for 7 in California which I think of as my adopted home State. I have lived on farms, in small towns, and in big towns. I have washed dishes for my meals at school and served as a college instructor. I have done academic research in the winter and worked as a manual laborer in the summer. The people that I call my friends are almost without exception Americans. I am more at home in English than in my native Spanish. I left Peru, my country of birth, more than 12 years ago. All of the fundamental experiences of my life have taken place in those 12 years. Peru is to me something in the past, a past which is remote and not very significant. A life in America, as an American is the only one which is something real to me.

"My academic training had a long interruption after the birth of our child. I am now, after much effort, within a few months of finishing my doctor of philosophy degree at the University of California. My wife has worked for this as hard as I have, besides working at being a mother. I think that she and my child deserve what I can offer them which is a satisfactory life in her own country. As for me,

I can only say that I will continue to regard myself as an American regardless of the outcome of this case."

William R. Dennes, dean of the graduate division, University of California, Berkeley, Calif., January 5, 1953:

"I write in behalf of a resident of Berkeley, Calif., Mr. Cesar Soria Grana, a young scholar and teacher who gives every promise of making a useful contribution to the intellectual life of the United States. He has held appointment as instructor in Spanish at the University of North Carolina and at Dartmouth College, and more lately as teaching assistant in sociology at this university. It may be that a private bill will be necessary in order to establish clearly his eligibility for citizenship.

"As I understand it, the problem facing us with respect to Mr. Grana is as follows: Mr. Grana, a national of Peru, was resident in the United States during the recent war. He chose at first to request deferment as an alien under our Selective Service Act, as he had a right to do since he intended then to continue his Peruvian citizenship and return to his country. In April 1945 Mr. Grana decided he would like to become a citizen of the United States and thereupon he wrote to the Providence, R. I., draft board requesting reclassification. He was then reclassified I–A. But before he could appear for the physical examination for which he was cited. Congress passed a law deferring people of his age for the time being. His age was then 30. Mr. Grana has held himself available for military service, if called, at any time.

"I am told that Mr. Grana's earlier intention to remain a Peruvian citizen and consequently to ask for deferment from armed service for the United States stands in the way of his becoming a citizen of our country, or even of his continuing to reside here under an extended visa. I should myself judge that Mr. Grana's request of April 1945 to the Providence, R. I., draft board, stating his hope of becoming a citizen of the United States and asking to be reclassified for induction under selective service, would be judged clearly to revoke his earlier statement of an intention to remain an alien. I believe Mr. Grana's counsel is of opinion that his client's requesting and obtaining I–A classification in wartime should cancel his earlier request for deferment, and I fully agree with that position.

"If there is any question of the sincerity of Mr. Grana's intentions, I believe his excellent reputation among his teachers at this university would be strong evidence in his favor. His studies in philosophy, anthropology, and sociology have been thorough and are regarded as promising. Some years ago he married a young compatriot of ours (a citizen of the United States) and he and she and their young child are much appreciated and respected members of our community. They would be valuable citizens, and Mr. Grana will do valuable work as scholar and teacher, bringing as he does a needed firsthand acquaintance with Latin-American history, literature, and customs.

"If any technicality should stand in the way of Mr. Grana's continued residence in this country and his application for citizenship, I hope that a private bill may be passed declaring him eligible for our citizenship."

Herbert Blumer, chairman, Department of Sociology and Social Institutions, University of California, January 7, 1953:

"* * * I am writing to give my judgment on his character and to add my plea that action be taken that will allow him to remain in this country. Mr. Grana is at present working toward his doctorate in the Department of Sociology and Social Institutions at the University of California, Berkeley, Calif. He has shown himself to be a man of high intelligence, sterling integrity, and high ideals. I am thoroughly satisfied as a result of my association with him that he embraces completely the philosophy and ideals of our American culture. He is honorable, industrious, well informed, considerate of others and has a fine sense of responsibility. I feel positive that he would be a citizen of whom we, as Americans, would be proud."

"Mr. Grana has been in this country now for close to 13 years. He is married to an American citizen. He is completely assimilated to our American culture, institutions, and mode of life. He has shown by his scholastic record that he is exceptionally talented in the field of the social sciences. He would have no difficulty in securing employment in our universities and colleges. Indeed, I regard him as one who would bring credit to bear upon whatever educational institutions may employ him. I regard him as almost certain to make worthy contributions to our knowledge in the field of social sciences.

"I understand the position of the Immigration Department in his case is based on a pure technicality. I feel that it would be very unfortunate if a person of his fine character, splendid qualities and true American spirit were not be to allowed to remain in this country. In mind, character, views, ideals, and appearance, he is in no sense a 'foreigner.' I sincerely trust that you will use your good offices to aid him in his present predicament and to allow our country to retain him by declaring him eligible for citizenship."

Herbert Blumer (as above), February 16, 1954:

"* * * Mr. Grana is a candidate for the degree of doctor of philosophy in our department and should be awarded this degree some time this year. He would have no difficulty in securing an appointment at a reputable university or college in the United States. He has an exceedingly promising academic career ahead of him and would, in my candid judgment, make significant contributions to the development of social science."

"You can gather from my statements that I naturally trust that favorable action will be taken to accord Mr. Grana citizenship in our country. He would be a credit to our Nation."

Dr. Clark Kerr, Chancellor at Berkeley, University of California, January 6, 1953:

"* * * I am not, of course, familiar with the intricacies of our immigration laws, but I would like to call to your attention several factors in this case which would seem to make it somewhat exceptional. First, Mr. Grana is a very promising student and shows a considerable capacity for scholarly research and study. His teachers are uniformly enthusiastic about his work. Secondly, there seems to be no question as to the good moral character of Mr. Grana. The Immigration authorities have, for this reason, made their order of departure, a 'voluntary departure' rather than a 'deportation.' Thirdly, the fact that this person applied to his draft board for reclassification 1–A and was so designated would seem to indicate that both the board and Mr. Grana saw no substantial obstacles to his becoming a citizen.

"All in all, it is my impression that Mr. Grana would be a valuable citizen of the United States. I would be grateful if some relief could be afforded this person either through administrative channels or by the introduction of a private bill."

John W. Keast, 39 Sutter Street, San Francisco, Calif., January 13, 1953:

"* * * I have known Mr. Grana for at least 3 years. As a result of many conversations with him, I am convinced that he is a man of exceptionally good character and would be devoted to the principles on which our country is founded.

"For my reference, I am a realtor and have been a director of the San Francisco Real Estate Board for the last 2 years and of the California State Real Estate Board for the last year.

"It is my hope that you will give Mr. Grana's petition your serious consideration."

Malcolm Wood, 2137A Parker Street, Berkeley 4, Calif., February 18, 1954:

"* * * I became acquainted with Mr. Grana while I was teaching at the University of California (I am with the Oakland Tribune at present), and we have since become close friends. I have talked with Mr. Grana at length about his immigration difficulty, and I am convinced that his case is a legitimate one.

"I hope the whole problem can be cleared up soon. * * *"

Helen-Louise Thayer, R. N., 6409 Regent Street, Oakland 9, Calif., February 17, 1954:

"* * * I have been a close personal friend of Cesar Grana and his family for a long period of time. He is a person of exceptionally high character, sincere, dedicated, and loyal. He is, in short, the kind of person America cannot do without.

"Well acquainted as I am with the curious nature of his problem, I can honestly say that it was an odd twist of circumstance and no lack of loyalty or integrity on his part which brought about the situation in which he now finds himself.

"From my continual association with Cesar and his wife, I can attest to the strain under which he is at present carrying on his teaching at the University of California."

Kathleen Coyle, 2559 Le Conte, Berkeley 9, Calif., May 23, 1955:

"* * * For 2 years I have been teaching in the Berkeley public schools, and for a year and one half of this time Cesar Grana's daughter, Micaela, was a student of mine. Mica has just had her eighth birthday—she is only a little girl but gives ample evidence of the fineness of her parents. Her fairness, her maturity, her deep sense of justice and great human warmth made her not only 1 of the 2 most popular children in our class, as repeatedly evidenced by sociometric tests, but were a real aid to me in helping all the children develop democratic processes and attitudes in disposing of class concerns. I go to this length because Mica's skill in working with people was a mirror of her family's attitude toward people and their good example and training.

"Both Mr. and Mrs. Grana took an active part in school activities and were 1 of the 3 or 4 most active couples among the parents of my children. Further, they sought to know and cooperate with other parents in the school on all school matters. Mrs. Grana was active in PTA activities.

"As one who comes into professional contact with a segment of our city, I am frequently dismayed by public apathy, by the paucity of those who will speak up in support of an idea and by the failure of many adults to assume the responsibilities which a democratic form of government implies. Both the Granas, and Mica gives promise of a similar quality, evidence the type of civic mindedness which has in the past and will in the future contribute to the strength of our country: that of faithful participation in petty and often trivial activities of the institutions into which their lives as residents of Berkeley lead them. We could be very proud to call Cesar Grana a fellow citizen."

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 639), as amended, should be enacted.

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Calendar No. 2479

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2445

WAIVING CERTAIN SUBSECTIONS OF SECTION 212 (a) OF THE IMMIGRATION AND NATIONALITY ACT IN BEHALF OF CERTAIN ALIENS

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 637]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 637) to waive certain subsections of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, having considered the same, reports favorably thereon with an amendment and recommends that the joint resolution, as amended, do pass.

AMENDMENT

On page 4, line 18, after the word "and", insert the following: "her son, John,".

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to waive certain grounds for inadmissibility in behalf of five aliens who are the spouses of United States citizens. The joint resolution also provides for the admission into the United States of 3 aliens who are the fiances of United States citizens, notwithstanding their inadmissibility, and their 3 minor children. The joint resolution has been amended to correct an error in drafting.

STATEMENT OF FACTS

The following facts in each case included in the joint resolution were contained in House Report 2340 (84th Cong., 2d sess.):

[H. Rept. No. 2340, 84th Cong., 2d sess.]

Giuseppe Staropoli—H. R. 2298, by Mr. Klein

The beneficiary is a 46-year-old native and citizen of Italy who has been found inadmissible to the United States because of convictions for theft in Italy in 1927 and in 1929. His wife is a citizen of the United States who resides in this country with their two children, both United States citizens.

The pertinent facts in this case are contained in a letter dated May 31, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., May 31, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2298) for the relief of Giuseppe Staropoli, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the provisions of section 212 (a) (9) of the Immigration and Nationality Act, which excludes from admission to the United States aliens convicted of crimes involving moral turpitude.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GIUSEPPE STAROPOLI, BENEFICIARY OF H. R. 2298

Information concerning the beneficiary was furnished by his wife, Carmela Staropoli, who is a citizen and resident of the United States.

The beneficiary, Giuseppe Staropoli, was born on July 28, 1909, at Marineo, Palermo, Italy, where he now resides. He was married on January 12, 1933, at Marineo, Italy. His two sons, citizens of the United States, now reside with their mother at 52 East 1st Street, New York, N. Y. His occupation abroad is that of a farm laborer and he has no financial assets. During his stay in the United States he was employed as a presser and earned $50 weekly. His mother, 2 brothers, and 2 sisters are citizens and residents of Italy.

Mrs. Staropoli is employed as a sewing machine operator and earns $50 weekly. Her financial assets consist of $1,000 in cash savings, personal effects worth $200, and a house and lot in Italy valued at $1,500. The elder son, Charles Staropoli, is employed as a clerk and earns $58 a week.

The beneficiary was convicted of the crime of theft in Palermo, Italy, on May 28, 1929, and served a sentence of 14 months' imprisonment.

The beneficiary attempted to enter the United States at an unknown port in Virginia in June 1951 as a stowaway. Deportation proceedings were instituted on the charges that he entered without inspection, that he was a stowaway at the time of entry, and that he was an immigrant not in possession of a valid immigrant visa. He was found deportable on those charges and the additional charge that he had been convicted of a crime involving moral turpitude prior to entry. An order was entered granting him the privilege of voluntary departure with the alternative of deportation. He voluntarily departed from the United States on October 24, 1953.

The Director of the Visa Office, Department of State, submitted a report on this case, as well as certified copies of the court records concerning the convictions for which the beneficiary has been found inadmissible to the United States.

DEPARTMENT OF STATE,
Washington, March 16, 1955.

Hon. EMANUEL CELLER,
Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of February 28, 1955, and its enclosures, wherein you requested a report of the facts in the case of Giuseppe Staropoli, beneficiary of H. R. 2298, 84th Congress, 1st session.

According to information contained in the Department's files Mr. Staropoli was convicted of theft by the lower court of Misilmeri, Italy, on October 7, 1927, and was again convicted of theft by the Tribunal in Palermo on September 3, 1929.

Inasmuch as Mr. Staropoli was convicted of more than one offense involving moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, the provisions of section 4 of Public Law 770, 83d Congress, 2d session, would not be applicable in his case.

At this time the Department has no knowledge of any factor in Mr. Staropoli's case, other than the information hereinbefore cited, which would render him ineligible to receive a visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mr. Staropoli from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office
(For the Secretary of State).

DEPARTMENT OF STATE,
Washington, April 11, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 22, 1956, requesting copies of the court records in the case of Giuseppe Staropoli, the beneficiary of H. R. 2298 introduced by Mr. Klein on January 13, 1955.

There are enclosed two copies of translations of the court records relating to Mr. Staropoli which have been received from the consul general at Parlermo relating to Mr. Staropoli.

Sincerely yours

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

[Translation]

* * * The Court of Appeals of Palermo, summer session, formed by * * * has pronounced the following sentence in the case against:

Staropoli, Giuseppe, son of Ciro, aged 19, from Marineo, detained, present at this debate, who is appealing against the sentence of the Penal Court of Palermo dated May 28, 1929, with which he was sentenced to 1 year's imprisonment, increased of one-sixth to continued confinement, and to the payment of expenses and damages, for having committed the crime of theft, doubly qualified, against Santantonio Calogero, in the district of Marineo, on the night of October 14, 1928. * * *

"Doubly qualified" is a degree of guilt. Instead of being a simple theft, the crime was qualified by breaking and entering and by being committed at night.

FACTS AND RIGHTS

With the sentence dated May 28, 1929, the Court of Palermo, 6th section, convicted Giuseppe Staropoli of the crime of theft, doubly qualified, under the provisions of articles 402, 404, Nos. 4 and 6, Penal Code, for having on the night of October 14, 1928, in the district of Marineo, stolen from Santantonio Calogero a shotgun and a cutting hook, which were kept in a country house, by climbing a wall and breaking into the house. Therefore, he was sentenced to 2 years and 2 months' imprisonment, reduced by one-third, under the provisions of article 432, Penal Code, for having returned the stolen goods before being summoned to court, and by one-sixth because of his age—older than 18 and younger than 21—under the provisions of article 56, Penal Code, and increased by one-sixth to continued confinement, for committing the same crime after a short period, which was contested by Staropoli in the hearing.

Staropoli has appealed this sentence with a statement made in jail on May 30, 1929, under the provisions of article 331,

Penal Code, for the sole reason of the long imprisonment sentenced by the first judge, and he has been brought before this court in the present debate in order to discuss his appeal.

This appeal is not justified and is therefore rejected. It has been proved by the records of the case that on October 14, 1928, Staropoli climbed the 2 meters high (6 feet 6 inches) wall and through a window broke into the country house of Santantonio Calogero at Piano di Caldaia, Marineo, and took into his possession a double-barrel 12-gage shotgun and a cutting hook, which were kept there. After about 1 month, Staropoli, questioned by the carabinieri, stated that he had taken the shotgun from the country house of Santantonio in the above-mentioned circumstances, and to have taken it to Vincenzo Orlando, from whom he received in exchange a double-barrel shotgun with a broken case, because he had asked him (Orlando) to lend it to him for hunting. After 2 days he went to fetch back the shotgun (the stolen one) with the intention of returning it to its owner, but as the door and the window were closed, he left the gun and the cutting hook near the house. This was confirmed by the robbed person. Staropoli confirmed his confession before the judge, and therefore there can be no doubt as to his committing the crime of qualified theft under the provisions of articles 402, 404, Nos. 4 and 6, Penal Code. The penalty to which he was sentenced is adequate relative to the crime committed, and to the subjective conditions of the defendant who has committed the same crime before; therefore, the minimum provided by law (2 years' imprisonment) could not have been given him. The court sentenced him to a little more than the minimum (2 years and 2 months imprisonment); therefore this penalty is not excessive. He was granted further a decrease for having returned the stolen goods to the owner before being summoned to court and for his age—older than 18 and younger than 21—and therefore there is no reason for his complaint against the excessive penalty.

The appealed sentence is confirmed and Staropoli is sentenced to the payment of the major expenses.

For these reasons the court, under the provisions of articles 496 and 429, Penal Code, confirms the sentece of the court of Palermo, 6th section, of May 28, 1929, appealed by Giuseppe Staropoli, son of Ciro, aged 19, from Marineo, and sentences the same person to the payment of the major expenses of the penal proceedings of this appeal, in favor of the state treasury. The records are returned to the former judge for the execution of the sentence.

Thus decided and pronounced in Palermo, September 3, 1929.

Rosario Pecoraro—H. R. 10144, by Mr. Yates

The beneficiary is a 56-year-old native and citizen of Italy who has been refused a visa to enter the United States because of a conviction for theft in 1933. His wife is a citizen of the United States and their seven children are lawfully resident aliens in this country.

The pertiment facts in this case are contained in a letter dated May 18, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., May 18, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 10144) for the relief of Rosario Pecoraro, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude, and would permit the beneficiary to enter the United States for permanent residence if he is found to be otherwise admissible. The bill also provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROSARIO PECORARO, BENEFICIARY OF H. R. 10144

The information concerning this case was obtained from Mrs. Rosa Pecoraro, the beneficiary's wife.

The beneficiary, Rosario Pecoraro, a native and citizen of Italy, was born on May 29, 1900. His first marriage to Vincenza Borino was terminated by her death in 1925. He next married Rosa Borino in Italy on December 29, 1929. Their seven children were lawfully admitted to the United States for permanent residence. Mr. Pecoraro resides at Via Leonardo Davince No. 14, Altarrilla Milicia, Palermo, Italy.

The beneficiary has had no formal education. He is unemployed and has no assets. His parents are deceased. A brother and sister reside in Italy.

The beneficiary has never been in the United States. According to his wife, he was convicted and sentenced to 8 months for theft in 1933. He was denied a visa by the American consul at Palermo, Italy, in 1952 because of this conviction. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to furnish information concerning the beneficiary's conviction and ineligibility for a visa.

The beneficiary's wife, Rosa Pecoraro, a native of Italy and citizen of the United States, was admitted to the United States at New York, N. Y., on August 6, 1952. She resides with their six unmarried children at 1223 North Larrabee Street, Chicago, Ill. She is employed as an assembler by the Dormeyer Corp. at a salary of $58 a week. Her only assets are household furnishings valued at $250. Mrs. Pecoraro stated that she and the children will support the beneficiary if he is permitted to enter the United States.

The Acting Director of the Visa Office, Department of State, submitted the following letter to the legislative assistant, House Committee on the Judiciary, with reference to this case:

DEPARTMENT OF STATE,
Washington, D. C., April 13, 1956.

Mr. WALTER M. BESTERMAN,
Legislative Assistant, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. BESTERMAN: I have just received a report on the case of Mr. Rosario Pecoraro, in which Hon. Sydney R. Yates, House of Representatives, has expressed an interest.

The consul states that Mr. Pecoraro's file shows a record of several arrests and charges, one of which involves the commission of the crime of theft. For this crime he was sentenced to imprisonment for 8 months and a 666 lire fine.

In view of the foregoing, Mr. Pecoraro is mandatorily excludable from the United States under the provisions of section 212 (a) (9) of the Immigration and Nationality Act. As you know, this section of the act renders ineligible to receive visas and excludable from admission into the United States, aliens who have been convicted of, or who admit the commission of, a crime involving moral turpitude, including theft.

I may add that this case has been reviewed in the light of section 4 of Public Law 770, which modifies section 212 (a) (9) of the Immigration and Nationality Act and affords relief to an alien who has committed only one crime classifiable as a petty offense under section 1 (3), title 18 of the United States Code. However, as Mr. Pecoraro was sentenced to a term of more than 6 months' imprisonment, the crime of theft for which he was convicted would be classifiable as a felony. He is, therefore, ineligible for the benefits of Public Law 770.

With best wishes,

Sincerely yours,

JOSEPH C. CHAPPELL,
Acting Director, Visa Office.

Betti O. Bollmann—H. R. 8186, by Mr. Dolliver

The beneficiary is a 26-year-old native and citizen of Germany who is the fiance of a citizen of the United States. She has been refused a visa because of two convictions for theft in Germany in 1951 and in 1952.

The pertinent facts in this case are contained in a letter dated February 29, 1956, from the Commissioner of Immigration and Naturalization, to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., February 29, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8186) for the relief of Miss Betti O. Bollmann, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Antonio, Tex., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of, or admit having committed, a crime involving moral turpitude, and would authorize the alien's admission for permanent residence, if she is otherwise admissible under that act. The bill would also provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MISS BETTI O. BOLLMANN, BENEFICIARY OF H. R. 8186

Information concerning the case was obtained from Sgt. Edward J. Dorpinghaus, the fiance of the beneficiary, Miss Betti O. Bollmann.

The beneficiary was born on February 1, 1930, at Halberstadt, Germany, and is a citizen of that country. She has never been married, and at the present time she resides alone in Germany. Her only near relatives, an aunt, her maternal grandfather, and her illegitimate son, who was born in Germany on October 6, 1946, reside in Germany. The son resides with and is being supported by the aunt. Miss Bollmann completed the eighth grade in elementary school and in the past has worked as a housemaid and barmaid. She is unemployed and is supported by Sergeant Dorpinghaus, who sends her regularly $60 or more per month.

Miss Bollmann was convicted and sentenced to imprisonment of 6 weeks on October 17, 1951 at Hanover, Germany, on a charge of theft of 80 German marks and a handbag. On March 25, 1952, she was convicted and sentenced to imprisonment of 1 month in Bremerhaven, Germany, for theft of a coat and shawl. Because of these two convictions her application for an immigrant visa was denied by the American consul at Hamburg, Germany, in May 1954.

Sgt. Edward J. Dorpinghaus, who has been a member of the United States Air Force since April 25, 1951, is now stationed at Kelly Air Force Base, Tex. He is single, and is a citizen of the United States by birth at Dedham, Iowa, on May 12, 1931. He has no property or savings and has no

income other than his salary from the Air Force. Sergeant Dorpinghaus became acquainted with the beneficiary, who is now his fiance, during September 1953 while he was stationed in Germany. His application for permission to marry her while he was in Germany was denied by Air Force authorities because she was not considered eligible for an immigrant visa.

The Acting Director of the Visa Office, Department of State, submitted a report on this case which is quoted below:

DEPARTMENT OF STATE,
Washington, May 11, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 13, 1956 requesting a report of the facts in the case of Miss Betti O. Bollmann, the beneficiary of H. R. 8186 which was introduced by Mr. Dolliver on January 5, 1956.

The files of the Department contain reports dated February 8, and April 20, 1956, from the consulate general at Hamburg, Germany, indicating that Miss Bollmann is ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act. The report states that Miss Bollmann was convicted of two separate offenses of theft. The first conviction occurred on October 17, 1951, in the District Court of Hannover and carried with it a sentence of 6 weeks' imprisonment. The second conviction was recorded on March 25, 1952, in the District Court of Bremerhaven and resulted in a sentence of 1-month imprisonment. Copies of the court records and translations are enclosed in duplicate.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

[Translation]

Fraulein Betti Bollmann, born February 1, 1930, in Halberstadt. Bremerhaven-Lehe Haftanstalt.

COURT ORDER OF PUNISHMENT

The states attorney's office accuses you of having taken from another during the night of February 25 to 26, 1952, in Bremerhaven, together with the housemaid Helga Neumann, movable things which did not belong to you with the intention of unlawfully putting them to your own use in that you stole on Rosenmontag from the wardrobe of the Femina bar in Bremerhaven 1 coat belonging to Margret Sorgalla, 1 coat and a woollen scarf belong to Helga Witting, and a light green sweater belonging to Anita Gerken.

Offense according to paragraph 242, 47 of the German Criminal Code.

Evidence: Your confession

For this offense a prison sentence of 1 month will be inflicted on you; the time spent in custody is included.

You will also have to bear the costs of the proceedings.

Bremerhaven, March 25, 1952.

[SEAL] ——— ———

Susanne Ingebord Bernhard and her two minor children David and Helen Bernhard—H. R. 8508, by Mr. Clark

The beneficiaries are a 28-year-old native and citizen of Austria who is the fiance of a United States citizen, and her two minor children. The main beneficiary has been found inadmissible to the United States because of two convictions for theft and fraud in 1943 and 1950, respectively.

The pertinent facts in this case are contained in a letter dated May 11, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., May 11, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8508) for the relief of Susanne Ingebord Bernhard, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude and would authorize the alien's admission for permanent residence if she is otherwise admissible under that act, provided that her marriage to her United States citizen fiance, Cpl. David B. Warren, shall occur not later than 6 months following the enactment of the act. The bill further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SUSANNE INGEBORD BERNHARD, BENEFICIARY OF H. R. 8508

Information concerning this case was obtained from the beneficiary's fiance, Sgt. David B. Warren.

The beneficiary, who is also known as Su Warren, was born on September 28, 1927, in Salzburg, Austria. Her parents are deceased. She completed 7 years of schooling in her native country and served in the German Land Army

during 1944 and 1945. Thereafter she was employed by the United States Army as a telephone operator in Salzburg, Austria. She is presently unemployed and dependent upon her fiance for support. The beneficiary is unmarried. She has two children: David, who was born in Austria on December 29, 1951, and Helen, who was born in Germany on June 5, 1954. The beneficiary resides with her children in Munich, Germany.

The beneficiary has never been in the United States. She applied for an immigrant visa at the American consulate in Linz, Austria, in 1950. She was refused such visa on the ground that she had been convicted of fraud.

The beneficiary's fiance, David B. Warren, was born on December 19, 1930, in Pennsylvania and is a citizen of the United States. He enlisted in the United States Army in 1948 and served in Germany and Austria. He is presently a sergeant and stationed at Camp Kilmer, N. J. Sergeant Warren states that he is the father of the beneficiary's children and that he sends the beneficiary $120 monthly for the support of herself and their children.

The committee may wish to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary.

A report from the Director of the Visa Office, Department of State, dated July 30, 1954, to the then chairman of the Committee on the Judiciary, with reference to a bill pending during the 83d Congress (H. R. 7930) for the relief of the same person, reads as follows:

DEPARTMENT OF STATE,
Washington, July 30, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of May 4, 1954, and is enclosures, wherein you request a report of the facts in the case of Susanne Ingebord Bernhard, beneficiary of H. R. 7930, 83d Congress, 2d session.

The American consulate general at Munich, Germany, has reported that the American consulate at Salzburg, Austria, has stated as follows:

"On June 2, 1954, this office requested the Landesgericht Linz to furnish the required certified copies of the court records requested in your communication under reference. The consulate's letter was returned by the Landesgericht Linz with an endorsement dated 'A. V. vom 11.5.1954' which reads in translation as follows:

" 'In the registry of names and the registry of offenses for 1950, the above criminal proceeding does not appear.

" 'In an enquiry made to the Polizeidirektion Linz it was revealed that no penalty for Susanne Ingeborg Bernhard is on record.'

"Since it is possible in Austria for offenses to be stricken from the record when 3 years have elapsed since a sentence has been served, it is quite possible such action was taken in this particular case."

The consulate general added that its files show "that in connection with the premarriage application, evidence was submitted which con-

tained a Strafregisterauszug (penal record) indicating that subject was (1) convicted by the Landgericht Wien (formerly Juvenile Court (Jugenderichtshof)) on October 16, 1943, for theft under 85 E Vr 1812/43, section 460, Austrian Criminal Code, to 1 month arrest as a juvenile; (2) convicted by the Landesgericht Linz on December 9, 1950, for fraud under 6 E Vr 1513/50, sections 197, 200, 201d, 320a, Austrian Criminal Code to 5 months Kerker (jail)."

Since it appears that the alien was a juvenile at the time of her first conviction, her admissability into the United States would not be affected as a result thereof.

It is the Department's opinion that Miss Bernhard's conviction of the offense of fraud in violation of section 197 of the Austrian Ciminal Code would render her ineligible to receive a visa under the provisions of section 212 (a) (9) of the Immigration and Nationality Act, as one convicted of a crime involving moral turpitude.

At this time the Department has no knowledge of any factor in Miss Bernhard's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Miss Bernhard from receiving a visa.

Sincerely yours

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

An additional report from the Director of the Visa Office, dated April 7, 1955, to the legislative assistant, House Committee on the Judiciary, reads as follows:

DEPARTMENT OF STATE,
Washington, April 7, 1955.

MR. WALTER M. BESTERMAN,
Legislative Assistant, Committee on the Judiciary,
House of Representatives.

DEAR MR. BESTERMAN: I refer to your letter of March 11, 1955, wherein you requested, at the instance of Mr. Walter, an additional report in the matter of Susanne Ingebord Bernhard, beneficiary of H. R. 7930, 83d Congress, 2d session. Reference is also made to the telephonic acknowledgment of your letter on March 14, 1955.

According to information contained in the Department's files, the case was one of a number of such cases reviewed in the light of section 4 of Public Law 770, 83d Congress, 2d session.

The Department's file in the case shows that on November 30, 1954, the American Consulate General at Munich was advised as follows:

"It appears from an examination of the record of conviction that Miss Bernhard was charged with committing fraud on the 'owners of the Pension Aignerhof, the Gasthaus Zur Uberfuhr in Salzburg, and, on the other hand, Franz Brandl, owner of the Pension Brandl in Linz * * *' by obtaining board and lodging without paying therefor.

"Although the separate and distinct offenses which Miss Bernhard committed were merged in one conviction, it is the Department's opinion that she would be unable to qualify for the relief provided in section 4 of Public Law 770 since the benefits of that section are expressly limited to the cases of aliens who committed only one offense involving moral turpitude.

"If, as indicated in the consulate general's operations memorandum No. 00042 of July 15, 1954, Miss Bernhard had been tried and treated on October 16, 1943, by a juvenile court as a juvenile delinquent, the offense committed by her would be regarded merely as an act of juvenile delinquency, and not as a conviction of a crime involving moral turpitude. If, on the other hand, she had been tried and convicted as an adult in a regular criminal court, such a conviction of a crime involving moral turpitude would constitute an additional basis for the refusal of a visa."

The Department's records further show that as a result of the foregoing opinion the consulate general confirmed its previous finding that Miss Bernhard is ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act.

It is regretted that the concluding report from the consulate general at Munich was inadvertently filed without further action.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Edith Ilse Hausmann and her minor son—H. R. 8527, by Mr. Saylor

The main beneficiary is a 33-year-old native and citizen of Germany who is the fiance of a United States citizen. She has been found to be inadmissible to the United States under the provisions of section 212 (a) (12) of the Immigration and Nationality Act. The bill also provides for the admission of the main beneficiary's child.

The pertinent facts in this case are contained in a letter dated May 18, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8527) for the relief of Edith Ilse Hausmann, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Pittsburgh, Pa., office of this Service, which has custody of that file.

The bill would waive that provision of the Immigration and Nationality Act under which aliens who are prostitutes or who have engaged in prostitution are ineligible to receive visas and are inadmissible to the United States, insofar as that provision may apply to the beneficiary. The bill would also permit the beneficiary and her minor son, John, to obtain nonimmigrant visas and temporary admission into the United States for a period of 3 months, provided that the beneficiary is found to be coming to the United States with a bona fide intention of being married to her fiance, John A. Ferrick, Jr., a citizen of the United States and that the beneficiary and her minor son, John, are found outherwise admissible under the immigration laws. The bill provides that the exemption granted the bene

ficiary shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the act. The bill further provides that in the event the marriage between the beneficiary and her fiance, John A. Ferrick, Jr., does not occur within 3 months after her entry, the beneficiary and her minor son, John, shall be required to depart from the United States and upon failure to do so shall be deported pursuant to law.

It will be noted that the bill further provides that if the marriage "shall occur within three months after the entry of the said Edith Ilse Hausmann and son, John, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Edith Ilse Hausmann as of the date of the payment by them of the required visa fees". It appears that it had been intended to include the words "son, John" after the word "and" following the second reference to Edith Ilse Hausmann. However, it is assumed that the conclusion was reached that the marriage of the son's mother and father would have the effect of establishing his paternity by legitimation, thereby resulting in the acquisition by the son of United States citizenship. Apparently for this reason the words "son, John" were omitted. However, the bill nevertheless calls for the payment of visa fees although only the beneficiary's status was to be adjusted to that of a permanent resident alien. The committee may wish to amend the bill accordingly.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EDITH ILSE HAUSMANN, BENEFICIARY OF H. R. 8527

Information concerning this case was obtained from John A. Ferrick, Jr., the beneficiary's fiance.

The beneficiary, who is also known as Edith Ilse Ferrick, is a native and citizen of Germany. She was born on March 12, 1923, in Germany. She has one child, John, who was born in Germany in 1953. The beneficiary has never been in the United States. She resides with her child in Erding, Germany.

The beneficiary applied for an immigrant visa at the American consulate in Munich, Germany, in August 1955. However, she was found to be ineligible to receive such visa.

The beneficiary's fiance, John A. Ferrick, Jr., was born in Bagdad, Pa., on November 2, 1929, and is a citizen of the United States. He enlisted in the United States Army on December 21, 1950, and was honorably discharged on March 19, 1956, with the rating of staff sergeant.

Mr. Ferrick states he met the beneficiary while serving with the United States Army in Germany and they became affianced. However, they have not been able to complete arrangements for their marriage. Mr. Ferrick states he is the father of the beneficiary's child, John.

Mr. Ferrick maintains his residence in the United States with his parents in Leechburg, Pa. However, following his discharge from the United States Army on March 19, 1956,

he remained in Germany with the beneficiary and their child, John.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, March 7, 1954.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 24, 1956, requesting a report of the facts in the case of Edith Ilse Hausmann, the beneficiary of H. R. 8527, which was introduced by Mr. Saylor on January 16, 1956.

The Department's files contain a report dated February 8, 1956, from the consul general at Munich, Germany, indicating that Miss Hausmann has been found to be ineligible to receive a visa under the provisions of section 212 (a) (12) of the Immigration and Nationality Act, upon the basis of information received from reliable sources indicating that in 1951 she was an inmate of and was subsequently the owner of a house of prostitution and that she was convicted in 1952 and 1953 for prostitution. It is indicated that she has two or more illegitimate children and that she has been in conflict with the authorities for violation of registration ordinances.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Patricia Stone—H. R. 5497, by Mr. Machrowicz

The beneficiary is a native and citizen of England who is the wife of a citizen of the United States. She has been found inadmissible to the United States because of a conviction for soliciting and for allowing her premises to be used for habitual prostitution.

The pertinent facts in this case are contained in a letter dated August 10, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 10, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5497) for the relief of Patricia Stone, there is attached a memorandum of information concerning the beneficiary This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens

who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, and authorize the issuance of an immigrant visa to the beneficiary if she is found to be otherwise admissible under that act. It further provides that this waiver shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PATRICIA STONE, BENEFICIARY OF H. R. 5497

Information concerning the beneficiary was obtained from her husband, Mr. Charles E. Stone, a citizen of the United States.

Patricia Stone nee Johnson, a citizen of Great Britain, was both in London, England, on November 15, 1919. She has apparently been married twice, her first marriage terminating by divorce. The beneficiary married Charles E. Stone on April 10, 1954, and they have no children. Mrs. Stone resides with her husband in London, England, where Mr. Stone is stationed as a member of the United States Air Force. She is unemployed and is dependent on her husband for support.

Charles E. Stone was born on October 27, 1931, Nashville, Tenn. His last residence in the United States was 17898 Mitchell Avenue, Detroit, Mich. Mr. Stone enlisted in the United States Air Force in 1950 and is presently stationed in England as an airman, first class. His annual income is $2,000.

The beneficiary was refused a visa by the American consul at London, England, apparently on the ground that she had been convicted of a crime involving moral turpitude. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

KENSAL RISE METHODIST CHURCH,
London, N. W. 10, England, July 22, 1955.

DEAR SIR: I understand that you are introducing a bill for the relief of Patricia Stone. It is thought that you may find it helpful to have my testimony as to her present character. I have known Mrs. Stone well for the past 2 years. I prepared her and her husband for their marriage and performed the ceremony of marriage. They live close to me and occasionally attend the above church. I am convinced that Mrs. Stone is seeking to lead a new life and that her motives in wishing to enter the United States is that she may go back with her husband to his land and his people and there set up home with him. I believe that if this opportunity is given to her, she will live up to the trust placed in her. I am glad to testify to her present character as good and I have confidence that she will live up to all that she is seeking to be at present. I do hope that she will be given

permission to go with her husband to the United States and that this marriage will not mean separation for them.

Yours truly,

BASIL HUETT.

Ines Lenzi Erickson—H. R. 8016, by Mr. Cretella

The beneficiary is a 32-year-old native and citizen of Italy who is the wife of a United States citizen. She has been found inadmissible to the United States on the ground that she engaged in prostitution.

The pertinent facts in this case are contained in a letter dated May 11, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8016) for the relief of Ines Lenzi Erickson, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime, and aliens who are prostitutes or who have engaged in prostitution, and would authorize the alien's admission for permanent residence, if she is otherwise admissible under that act. The bill would further provide that these exemptions shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE INES LENZI ERICKSON, BENEFICIARY OF H. R. 8016

Information concerning the case was obtained from Mr. Kenneth William Erickson, the beneficiary's husband.

The beneficiary, Mrs. Ines Lenzi Erickson, who was born on October 13, 1923, in Genoa, is a citizen and resident of Italy. She has never been in the United States. She married Kenneth William Erickson, a native and citizen of the United States, on June 26, 1952, at Genoa. She has no children. She is wholly dependent upon her husband for support.

Mrs. Erickson attended public school in Italy for 8 years. She has never been employed. She has been refused an immigrant visa by an American consul at Genoa on the ground that she is inadmissible to the United States under section 212 (a) (12) of the Immigration and Nationality Act of 1952 as a person who has practiced prostitution. Her husband has stated that she was twice picked up by the police at Genoa and released. These arrests occurred in 1946 and in 1948 and she was found to have been afflicted with a venereal disease on one occasion.

Earlier, Mrs. Erickson was refused a visa under section 212 (a) (6) of the Immigration and Nationality Act on the ground that she was afflicted with tuberculosis. This ground of inadmissibility was removed by Private Law 242, 84th Congress, approved July 29, 1955. This act required the posting of a bond against her becoming a public charge. On August 29, 1955, Mr. Erickson posted a $1,000 bond at Hartford, Conn.

Mr. Erickson was born in New Haven, Conn., on September 12, 1929. He is a graduate of the Branford, Conn., High School and the West Maine Maritime Academy, Castine, Maine. He is employed as an engineer aboard a vessel operated by the American Export Lines and receives $500 a month plus overtime. He is also a commissioned officer in the United States Naval Reserve. His assets consist of $2,800 in a bank, stocks and bonds valued at $2,200, and personal property worth about $500.

Mr. Erickson first met his wife in a cafe in Genoa in November 1950. He saw her for 3 days on that occasion, and he did not see her again for 1 year. At that time, after seeing her for 4 or 5 days, they were married. Since that time, he has seen her 1 day every 2 months while his vessel is in port in Genoa. In addition, he spends about 1 month leave each year with his wife. Mr. Erickson has stated that his wife has had no connection with prostitution since their marriage.

The Director of the Visa Office, Department of State, submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,
Washington, February 17, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: I refer to your letter of January 12, 1956, requesting a report of the facts in the case of Ines Lenzi Erickson, the beneficiary of H. R. 8016 which was introduced by Mr. Cretella on January 3, 1956.

According to information received from official sources, Mrs. Erickson was engaged in prostitution particularly in 1946 and 1949. On one occasion she was reported as a carrier of venereal disease and was found to be infected. She was released after treatment. Subsequently she was detained by the authorities on various occasions because she was found to be soliciting. On each occasion she was

given a routine medical examination and released as uninfected. She was detained for the last time in 1950. The report from the consul general indicates that Mrs. Erickson's conduct after her marriage was believed to have been blameless.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Enrique Zaragosa-Bermejo—H. R. 7298, by Mr. McDonough

The beneficiary is a 21-year-old native and citizen of Mexico who is the husband of a United States citizen. His wife resides in the United States with their child, a citizen of the United States by birth. The beneficiary has been refused a visa to enter the United States for permanent residence because of a prior entry to this country when he gained admission by claiming to be a United States citizen, after which he was deported to Mexico.

The pertinent facts in this case are contained in a letter dated December 8, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 8, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7298) for the relief of Enrique Zaragosa-Bermejo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have sought to procure, or have procured a visa or other documentation, or seek to enter the United States by fraud or by willfully misrepresenting a material fact, and would authorize the alien's admission for permanent residence if he is found to be otherwise admissible. The bill would also provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

It appears that the beneficiary would also be inadmissible under section 212 (a) (17) of the act, which excludes from admission aliens who have been arrested and deported and have not obtained permission to reapply for admission.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ENRIQUE ZARAGOSA-BERMEJO, BENEFICIARY OF H. R. 7298, 84TH CONGRESS

The beneficiary, Enrique Zaragosa-Bermejo, also known as Enrique Zaragosa-Fuentes, a native and citizen of Mexico, was born on October 13, 1934. He was married to Rosa Maria Contreras, a naturalized United States citizen, on June 5, 1954, in Los Angeles, Calif. They have one child, Jorge Enrique, born in Los Angeles, Calif., on April 27, 1955. The beneficiary resides at 1288 Calle Union, Tijuana, Mexico.

Mr. Zaragosa-Bermejo attended elementary and secondary schools in Mexico. He is employed as a curio salesman in Tijuana, Mexico, at a weekly salary of $10. He has no assets and since his return to Mexico on July 1, 1955, he has not earned sufficient money to provide for the support of his wife and child. Prior to his deportation from the United States he was employed as a paint mixer at a weekly salary of $75. He has two sisters and a brother residing in this country. One sister is a United States citizen; the other sister and brother are lawful permanent residents. His father, three brothers, and a sister, natives and citizens of Mexico, live in Mexico. his mother is deceased.

Mrs. Zaragosa-Bermejo, who resides with her son at 1417 South Fedora Street, Los Angeles, Calif., is employed as a binder by a local printing company and earns a weekly salary of $45. Her assets consist of a $500 Treasury bond and an equity of $180 in a car valued at $500, and $150 in furniture worth $300.

The beneficiary last entered the United States at San Ysidro, Calif., on February 19, 1954, by falsely claiming United States citizenship. Deportation proceedings were instituted March 12, 1954, and he was subsequently ordered deported. His appeal to the Board of Immigration Appeals was denied on January 27, 1955. He was deported to Mexico on July 1, 1955. The beneficiary previously entered the United States in October 1950 as a visitor for 1 day upon presentation of a nonresident alien's border crossing identification card. He remained in the United States without applying for, or obtaining, an extension of his temporary stay until he departed to Mexico in February 1954.

The Director of the Visa Office, Department of State, submitted a report on H. R. 7298, which reads as follows:

DEPARTMENT OF STATE,
Washington, December 9, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: Reference is made to your letter of July 23, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Enrique Zaragosa-Bermejo, beneficiary of H. R. 7298, 84th Congress, 1st session.

A report recently received by the Department from the American consulate at Tijuana, Mexico, states that the subject alien was born on October 13, 1935, at Abasolo, Guanajuato, Mexico, and resided there until 1949. He then went to Mexico City where he resided until he entered the United States in 1950 and took up residence at Los Angeles, Calif. He married an American citizen and had a son who was born in the United States. In 1955 Mr. Zaragosa-Bermejo was arrested and on July 1, 1955, he was deported from the United States.

The consulate also reports that the records of the Immigration and Naturalization Service show that the subject alien is inadmissible into the United States under section 212 (a) (17) of the Immigration and Nationality Act as an alien who has been arrested and deported and has not obtained permission to reapply for admission, and under section 212 (a) (19) as an alien who entered the United States by fraud, or by willfully misrepresenting a material fact.

It should be noted that H. R. 7298, 84th Congress, 1st session, does not afford relief for Mr. Zaragosa-Bermejo under section 212 (a) (17) of the Immigration and Nationality Act.

On the basis of the consulate's report, it is suggested that the committee may desire to communicate with the Immigration and Naturalization Service, Department of Justice, in order to obtain a report of the facts surrounding Mr. Zaragosa-Bermejo's ineligibility for admission into the United States.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. McDonough, the author of H. R. 7298, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

> Mr. Zaragosa-Bermejo, a young man 20 years of age, is married to an American citizen and is the father of a child born in the United States April 27, 1955. He has been the sole support of his family, but did not have legal status in this country and returned to Mexico in accordance with an order of the Immigration Service.
>
> He cannot return to rejoin his family because of an earlier illegal entry, and the only relief available to him is legislation which would permit him to file for a visa to return to the United States legally.
>
> In view of the hardship involved for Mr. Zaragosa-Bermejo's wife and child due to their enforced separation, I believe this case warrants consideration.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 637), as amended, should be enacted.

○

Calendar No. 2480

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2446

CERTAIN ALIENS

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 620]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 620) for the relief of certain aliens, having considered the same, reports favorably thereon with an amendment and recommends that the joint resolution, as amended, do pass.

AMENDMENT

On page 1, line 4, following the name "Akilloglou", insert the following names: "Ezra Chitayat, Violet Chitayat, Georgette Chitayat, Linda Chitayat,".

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to grant the status of permanent residence in the United States to nine aliens. Provision is made for appropriate quota deductions where necessary and for the payment of the required visa fees. The joint resolution also provides for the cancellation of outstanding deportation proceedings in behalf of one alien. Six of the beneficiaries were included in the joint resolution as it passed the House of Representatives. The remaining four beneficiaries were originally included in House Joint Resolution 535 and were deleted from that resolution by the Senate Committee on the Judiciary for further investigation. They have now been approved by the committee, and the instant resolution has, therefore, been amended to include their names.

STATEMENT OF FACTS

The following information concerning each case included in the joint resolution, as amended, was contained in House Reports 1821

and 2208 (84th Cong., 2d sess.), and the files of the Senate Judiciary Committee:

Elly Akilloglou—H. R. 2280, by Mr. Green of Pennsylvania

The beneficiary is a native and citizen of Greece who is 32 years of age, who was first admitted to the United States as a student in 1946, and was last admitted to the United States on September 1, 1950, after visiting her father in Canada. She resides in New York City with her mother, a lawfully resident alien of the United States, who is dependent upon the beneficiary for support.

The pertinent facts in this case are contained in a letter dated May 6, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 6, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2280) for the relief of Elly Akilloglou, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service which has custody of these files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota for the first year that such quota is available.

The alien is chargeable to the quota of Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELLY AKILLOGLOU, BENEFICIARY OF H. R. 2280

The beneficiary, Elly Akilloglou, is a native and citizen of Greece, who was born on February 26, 1924. Miss Akilloglou resides with her mother, a resident alien of the United States, who is dependent upon her for support, at 300 Riverside Drive, New York, N. Y. She is employed as a secretary by the Paul W. Hardy Co., 271 Madison Avenue, New York, N. Y., and receives a salary of $70 a week. The alien attended schools in her native country from 1931 to 1940. Her assets in the United States consist of a regular checking bank account with a present-day balance of $348 and personal effects estimated at $700. Miss Akilloglou's father, a citizen of Greece, is a legal resident of Canada, and her sister, a native-born citizen of the United States, resides in Philadelphia, Pa.

The beneficiary first entered the United States at New York, N. Y., on June 29, 1946, at which time she was admitted as a student until August 5, 1946. She received several extensions of her temporary stay, the last of which expired on October 30, 1950. During the period of her authorized stay, she visited her father in Montreal, Canada, on several occasions from which her last return to the United States was on or about September 1, 1950, at Rouses Point, N. Y., when she was admitted under her student status. The alien filed an application for adjustment of her immigration status under the provisions of section 4 of the Displaced Persons Act of 1948, as amended, which was denied. She is presently under deportation proceedings on the ground that she is a student who has remained in the United States for a longer time than permitted under the immigration laws. Miss Akilloglou was granted the privilege of departing voluntarily from the United States.

The beneficiary has done voluntary nursing from 1940 to 1941, and served on several committees in aiding the needy while a member of the Young Women's Christian Association in Greece from 1937 to 1940. Miss Akilloglou aided the Allied Expeditionary Forces Club and the French Welcome Committee in France from 1944 to 1945. She has also been an active member of the American Red Cross in the United States.

Private bill H. R. 4860, 83d Congress, was introduced in behalf of the beneficiary on April 24, 1953.

Mr. Green of Pennsylvania, the author of H. R. 2280, submitted the following letter in support of his bill:

LAW OFFICES, RAPPAPORT AND LAGAKOS,
PHILADELPHIA, PA., *May 23, 1956.*

Re Elly Akilloglou, bill H. R. 2280.

Hon. WILLIAM J. GREEN, JR.,
Member of Congress,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN GREEN: This is a letter of recommendation for and in behalf of Miss Elly Akilloglou of Philadelphia, who is the beneficiary of H. R. 2280, and the following statements made in this connection may be used before the House Subcommittee on Immigration and Nationality and/or any other congressional committee which is authorized to investigate the aforesaid Miss Akilloglou.

I have known Miss Akilloglou for approximately 8 years. She is a person of good moral character and of excellent reputation. She is extremely well liked and respected by all of her friends and associates, and has indeed merited the approbation and respect of all the people who have met her in connection with her many civic interests here in the United States. She has been active in Greek war relief during the World War II years here in Philadelphia and has contributed immeasurably in many other outstanding and meritorious community enterprises. She is a sister of Mrs. Orestes C. Stephano who is the wife of one of the owners of Stephano Bros., well-known cigarette manufacturers in the city of Philadelphia. She is dedicated and attached to our democratic principles of government, and I can say

without any reservation or qualification that in my opinion she would become a fine citizen if she is given the opportunity to enjoy that status, and I am sure that she would reflect creditably upon herself and upon the United States in such event.

I can therefore make the foregoing statements based on my personal knowledge of Miss Akilloglou and my observation of her during the past 8 years and, accordingly, I respectfully recommend, without any reservation or qualification, favorable action in her case. I am certain that she and her entire family will be deeply grateful to you and to the members of the appropriate congressional committees who would be responsible for the investigation in Miss Akilloglou's case.

With assurance of my appreciation for your consideration,

Sincerely yours,

GREGORY G. LAGAKOS.

Ezra Chitayat, Violet Chitayat, Georgett Chitayat, and Linda Chitayat—H. R. 1917, by Mr. Holtzman

The beneficiaries are a 43-year-old native of Iraq and his Iranian-born wife and two daughters, all of whom are citizens of Iraq. They were admitted to the United States in 1951 as visitors.

Certain pertinent facts in this case are contained in a letter, dated November 23, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 10262) pending during the 83d Congress for the relief of the same persons. That letter and accompanying memorandum read as follows:

NOVEMBER 23, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10262) for the relief of Ezra Chitayat, his wife, Violet, and their daughters, Georgette and Linda, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fee. The bill would also direct that four numbers be deducted from the appropriate immigration quota.

The male beneficiary is chargeable to the quota of Iraq. The female beneficiaries are chargeable to the quota of Iran.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EZRA CHITAYAT, HIS WIFE, VIOLET, AND THEIR DAUGHTERS, GEORGETTE AND LINDA, BENEFICIARIES OF H. R. 10262

Ezra Chitayat was born in Iraq on October 12, 1912. His wife, Violet Chitayat, nee Shiri, was born in Iran on January 13, 1925. Their daughters, Georgette and Linda, were born June 30, 1943, and April 24, 1948, respectively, in Iran. They are all citizens of Iraq. The beneficiaries' only entry into the United States occurred February 13, 1951, at the port of New York, at which time they were admitted as visitors until July 1, 1951. They were granted extensions of their stay until February 25, 1954, after the adult beneficiaries posted departure bonds. Subsequently applications for adjustment of status under the Refugee Relief Act of 1953 were made. These applications were denied and the beneficiaries were directed to depart from the United States by August 19, 1954. They have continued to reside in the United States, in violation of law. Therefore, the institution of deportation proceedings is contemplated.

Mr. Chitayat is the secretary and treasurer of David Mikhail, Inc., of New York City, which firm is engaged in the import and export business. He earns approximately $7,500 annually. Mrs. Chitayat is a housewife. Their daughters, Georgette and Linda, are students. The family's assets are estimated at approximately $100,000. Mr. Chitayat's only close relatives are 2 brothers and 2 sisters residing in Israel. Mrs. Chitayat's father and two stepsisters reside in Iran. She also has 1 brother and 3 sisters residing in Canada.

Mr. Holtzman, the author of this bill, submitted the following letter in support of his measure:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 19, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MANNIE: I am writing to you in behalf of Mr. Ezra Chitayat, of 67–110 Clyde Street, Forest Hills, Long Island, N. Y., and his family, who are most anxious to be permitted to remain in the United States as permanent residents.

I have reintroduced legislation in their behalf during the 84th Congress (H. R. 1917) and shall appreciate any consideration your committee might be able to give them at this time.

A report from the Department of Justice, Immigration and Naturalization Service, was submitted to the committee in November 1954, on the previous bill (H. R. 10262, 83d Cong.).

Thanking you in advance for anything you may be able to do in this connection, and with best wishes, I am,

Sincerely yours,

LES HOLTZMAN.

The committee also received the following statement from Mr. Chitayat's attorneys:

In the United States Department of Justice, Immigration and Naturalization Service

File Nos. 0300–387866, 0300–461430, 0300–461456, 0300–387867

In the Matter of the Applications of Ezra Eliahou Chitayat, Georgette Chitayat, Linda Chitayat, and Violette Ezra Chitayat, for Adjustment of Immigration Status Under Section 6 of the Refugee Relief Act of 1953

SUPPLEMENTAL BRIEF ON BEHALF OF APPLICANTS

THE POLITICAL SITUATION IN IRAN

Within the last 3 years the political situation in Iran has become so unsettled that imminent danger exists of persecution for political beliefs.

A National Socialist Party (Sumka) has arisen dedicated to rousing the Moslem populace against the "infidel Jews." Its leader is Davoud Monchi Zadeh, who received his anti-Semitic training in Germany during the Hitler regime (Robinson, Persia, and Afghanistan and their Jewish Communities, Institute of Jewish Affairs, 1953). Of late the world has become fearful that Iran may fall under the dominance of the U. S. S. R. Prior to 1941 there were no political parties in Iran. At the present time all of the Iranian political groups are ephemeral in nature except for the Communist Tudeh Party. There exists a real present danger of dominance by Communists, who have grown increasingly stronger during the recent turmoil in Iran. Certain regions of Persia, notably Azerbaijan, are said to be already under Communist domination.

On May 12, 1954, the New York Times published an article dealing with the situation in the Middle East, which article stated in part:

"In Iran United States officials reported the Russians are plotting actively against the regime of Gen. Fazlollah Zahedi, with the help of the Tudeh (Communist) Party. United States officials think Moscow, although pretending to negotiate in good faith with the Iranians over frontier disputes and wartime debt questions, will refuse to reach any binding accord"

The present Government of Iran is dominated by the ominous figure of Ayatullah Keshani, a Moslem religious leader who had been interned during the war by the Allies for pro-Axis political activity. He was until recently, and may still be, Speaker of the Iranian Legislature. (See Pela, Persian Jews and Moussadek, Jewish Chronicle, August 28, 1953, p. 15.) Keshani has a long infamous record for anti-Semitism and his strength in Iranian politics augurs ill for the Jews resident there.

CONCLUSION

The recent political upheavals in Iran have created a situation where the democratic-minded Jews of Iran are, so to speak, "between the devil and the deep blue sea."

The Government now in power is dominated by a strong and well-known anti-Semite.

The group seeking power is Communist and, according to recent accounts, is growing stronger every day. It is respectfully submitted that this is a political climate which can only result in disaster and tragedy for the Jewish population remaining in Iran, and it is again urged that the applications herein be granted to allow these applicants permission to remain in the United States.

Respectfully submitted.

WEISMAN, ALLAN, SPETT & SHEINBERG,
Attorneys for Applicants.

SYDNEY B. WERTHEIMER,
GERARD MANDELBAUM,
Of Counsel.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 20, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR EASTLAND: Under date of August 17, 1954, I introduced H. R. 10262 (83d Cong.) in behalf of Mr. Ezra Chitayat; his wife, Violet; and their daughters, Linda and Georgette. No action was taken on the bill during the 83d Congress, and it was reintroduced in the 84th Congress on January 10, 1955, known as H. R. 1917.

Subsequently the provisions of this bill were included in House Joint Resolution 535, which passed the House of Representatives on March 6, 1956. It has now come to my attention that the names of this family were deleted from the resolution as it passed the Senate on June 11, 1956, and I am writing to you for the purpose of requesting reconsideration of this case and the plight of this family who are literally stranded within the United States and completely displaced.

There are certain salient facts about this case which, I believe, if called to the attention of the committee, would certainly result in a reversal of its previous decision and a passage of the resolution with respect to this family. Such facts were not included in the House report on this case.

The Chitayat family, consisting of Ezra E. Chitayat, his wife, Violet Chitayat, and their two children, Georgette and Linda Chitayat, are Iraqi nationals who last resided in Iran. They are of Hebrew faith. They came to the United States in 1951 and were admitted as visitors. Subsequent to their entry into the United States the Chitayat family had their Iraqi passports canceled and confiscated under a discriminatory statute of Iraq. They are at present without passports or other valid traveling paper, and the Iraqi consulate has refused to issue same.

Furthermore the Chitayats have made inquiry about returning to Iran and have discovered that the Iranian Government will not admit alien Jews regardless of prior residence there.

The Chitayats made application under section 6 of the Refugee Relief Act but were denied relief on the ground that they were last resident in Iran. A copy of the order denying relief is in the private bill file.

I submit herewith a brief on this case, together with photostatic exhibit which clearly demonstrate these additional facts.

Under the circumstances, it is clear that these people have nowhere to go. While it is my understanding that the Attorney General does not consider Iran to be a nation in which Jews are persecuted, that fact is irrelevant in this particular matter because the Iranian Government has indicated in the case of this family that they will not be admitted, and has a definite policy of refusing to readmit Jews who have left its borders. Thus, the Chitayat family is presented with a dilemma which the immigration laws are unable to solve. Because they last resided in Iran they are not amenable to relief under the Refugee Relief Act of 1953, and their application under section 6 of that act was denied. However, they are unable to return to Iran, and have no travel paper which would take them anywhere else.

They have lived in the United States for more than 5 years and have established a fine record here. Their infant children have attended and are attending American schools and are thoroughly Americanized. The situation cries out for relief by private bill, and I am informed that similar cases have been passed by the Senate.

In the light of the tragedy which would ensue from denial of the relief sought by the private bill introduced by me on behalf of this worthy family, and because of the merits of their application, I reiterate my request and strongly urge that this case be reconsidered, and that these people be admitted to permanent residence.

I also respectfully request that reconsideration should take place immediately and prior to the end of this session to prevent detention and other indignities which would ensue.

Thanking you in advance for your kindness, and with best wishes, I am,

Sincerely yours,

LESTER HOLTZMAN,
Member of Congress.

Ioannis Korkodilos—H. R. 2497, by Mr. Madden

The beneficiary is a 27-year-old native and citizen of Greece who was admitted to the United States in July of 1950 as a seaman. He served honorably with the United States Army from May 14, 1951, to April 29, 1953, during which time he spent 1½ years in combat duty in Korea. He was awarded the Korean Service Medal with Three Bronze Stars and the United Nations Service Medal.

The pertinent facts in this case are contained in letter dated June 16, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter, and accompanying memorandum, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 16, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2497) for the relief of Ioannis Korkodilos, there is attached a memorandum of in-

formation concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hammond, Ind., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It also directs that one member be deducted from the appropriate immigration quota.

Mr. Korkodilos is chargeable to the quota for Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE IOANNIS KORKODILOS, BENEFICIARY OF H. R. 2497

The beneficiary, Ioannis Korkodilos, a native and citizen of Greece, was born February 10, 1929. Mr. Korkodilos is unmarried and resides at 3428 Grand Boulevard, East Chicago, Ind. He is employed as a clerk by the Forsythe Recreation Parlor, East Chicago, Ind., at a salary of $45 per week, and has no other assets. The beneficiary received the equivalent of a high-school education in Greece and attended school for cooks and bakers in the United States Army. The beneficiary's father is deceased; his mother and two sisters reside in Athens, Greece.

Mr. Korkodilos last resided in the United States on July 13, 1950, at Baltimore, Md., via the steamship *Ensenada*, as a seaman. He became illegally resident in the United States on August 11, 1950, for the reason that he remained for a longer period than permitted. Warrant of arrest was issued on May 18, 1954, charging that after admission as a seaman, he remained for a longer time than permitted. He was found deportable on June 18, 1954, as charged. The beneficiary was granted voluntary departure, but failed to avail himself of this privilege. Warrant of deportation for Mr. Korkodilos was issued on October 29, 1954.

The beneficiary is registered with local board No. 44, Selective Service System, Plainfield, N. J. He served with the United States Army from May 14, 1951, to April 29, 1953; 18 months of the active service was in Korea, attached to the Quartermaster Corps. He received a certificate of honorable service, and is presently in the United States Army Organized Reserve Corps, with enlistment to expire April 29, 1958.

Mr. Korkodilos has a Federal gambling stamp issued in his name; his employer, William Stillano, manager of the Forsythe Recreation Parlor, stated that he had purchased gambling stamps for all his employees in order to comply with Federal law. The Forsythe Recreation Parlor has card tables and cards, which are rented by the hour to players; tickets in baseball and football pools, a type of lottery, are also sold.

Mr. Madden submitted the following statement and letters in support of his bill:

STATEMENT BY HON. RAY J. MADDEN, MEMBER OF CONGRESS

Ioannis Korkodilos was born at Athens, Greece, on February 10, 1929, and came to the United States on July 13, 1950. He was lawfully admitted at Baltimore, Md., on the steamship *Ensenada* as a seaman on shore leave for a limited period of time. Afterwards, being unable to find new ship employment, he took a job ashore. In accordance with the selective service law, he registered with local board 44 at Plainfield, N. J., and was classified 1–A. On March 21, 1951, Mr. Korkodilos reported for his physical examination and on May 14, 1951, he was inducted into the Army where he spent 2 years—1½ years in combat duty in Korea. On April 29, 1953, he was released from active military service and transferred to the United States Army Reserve for 5 years. He was awarded the Korean Service Medal with 3 Bronze Stars and the United Nations Service Medal.

Mr. Korkodilos resides at 3428 Grand Boulevard, East Chicago, Ind., and is employed as a clerk by the Forsythe Recreation Parlor in East Chicago. His father is deceased and his mother and two sisters still reside in Athens, Greece. I am herewith submitting letters from Michael Vinovich, chief of police in East Chicago, Ind., setting out that Mr. Korkodilos has no police record, and a character letter from Rev. Anthony Kanavos of the St. George Helenic Orthodox Church of East Chicago.

CITY OF EAST CHICAGO,
DEPARTMENT OF POLICE,
East Chicago, Ind., December 7, 1954.

To Whom It May Concern:

This is to certify that I am personally acquainted with one John Corcodilos, who is 25 years of age and residing at 3428 Grand Boulevard, our city.

Please be further advised that John Corcodilos served in the United States Armed Forces from May 14, 1951, to April 29, 1953, and was honorably separated therefrom as a corporal and is presently in the United States Reserve Corps and will remain so until April 29, 1958.

Please be further advised that John Corcodilos has no record, either criminal or subversive, in the files of the Department of Police of the City of East Chicago, Ind., and that he enjoys a very good reputation in this community.

Any courtesy extended to Mr. John Corcodilos will be greatly appreciated not only by him, but also by myself.

Very truly yours,

MICHAEL VINOVICH,
Chief of Police.

LAW OFFICES, PETER F. SNYDER, ROBERT T. REYNOLDS,
Washington, D. C., March 27, 1956.

Re H. R. 2497, Korkodilos, Ioannis; or Corcodilos, John; 4610 Indianapolis Boulevard, East Chicago, Ind.

Hon. RAY J. MADDEN,
Member of Congress,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: As you will recall, responsible citizens of your congressional district some time ago brought to your notice the predicament of a young man by name John Corcodilos, or Ioannis Korkodilos, a native of Greece who served in the United States Army in Korea and Japan, was honorably discharged and transferred to the United States Army Reserve upon completion of his active military duty, and thereupon was not only unable to perfect a petition for United States citizenship but was made subject of a deportation proceeding.

In recognition of the equities of his case, as well the strange and unusual technicalities arising, you introduced in the 83d Congress the bill H. R. 10129, and again in the 84th Congress the bill H. R. 2497, for the purpose of according him a legal American residence status upon which he might predicate his petition for United States citizenship.

This young man, born at Athens, Greece, February 10, 1929, when only 21 years of age came to the United States on July 13, 1950, and was lawfully admitted as a seaman on shore leave for a limited period of time. Afterward, being unable to find new ship employment, he took a job ashore. In accordance with the American selective-service law he registered for American military service with local board No. 44 at Plainfield, N. J. He was thereupon classified 1–A, and on March 21, 1951, was notified to report for physical examination. After complying and passing such examination he was ordered to report for induction and on May 14, 1951, was formally inducted into the United States Army, in which he served honorably nearly 2 years, being on April 29, 1953, released from active military service and transferred to the United States Army Reserve for a period of 5 years. His period of military service overseas was 1 year, 6 months, and 13 days, and he was awarded the Korean Service Medal with three Bronze Stars and the United Nations Service Medal.

Notwithstanding this record of nearly 2 years of military duty faithfully performed, when this young man returned to the United States in 1953 he was unable to proceed with his petition for United States citizenship for the reason that the law—Public Law 86, 83d Congress—which authorized naturalization of men honorably discharged after only 90 days of military service, contained a restriction or requirement that the intending petitioner must have resided 1 year or more in the United States prior to induction. This requirement he could not meet. He fell short of meeting it by just 59 days, as his entry from ship occurred on August 13,

1950, and his induction into the military on May 14, 1951. Being by reason of this technicality unable to petition for naturalization he was deemed to be deportable from the United States as a seaman who had remained longer than permitted; and this also notwithstanding his record of American military duty faithfully performed.

As a deportation proceeding against this young man is still pending, it is assumed that unless the bill H. R. 2497, as introduced by you, shall be passed by the Congress, the United States Immigration and Naturalization Service will proceed to deport him from the United States.

It may be assumed, further, that an appropriate remedy in a case of this sort would be the enactment of a new and more competent measure of general law replacing the now-expired Public Law 86 of the 83d Congress. However, we are not informed that such a measure is under consideration; nor do we have information that there are other honorably discharged American servicemen who have encountered identical technicalities.

What we have been informed is that the subject of your bill, H. R. 2497, Mr. John Corcodilos, or Ioannis Korkodilos, is a young man of good character, well respected where he now resides in East Chicago, Ind., and that the enactment of your bill, H. R. 2497, would be a fitting recognition not only of his present good character but also his record of honorable and faithful American military service.

Respectfully yours,

PETER F. SNYDER.

Miriam Leser—H. R. 3520, by Mr. Klein

The beneficiary is a 29-year-old native of Poland who was admitted to the United States as a student in 1950. She has an aunt and uncle residing in this country who are United States citizens and her only other living relative is an aunt who resides in Argentina.

The pertinent facts in this case are contained in a letter dated June 28, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill pending during the 83d Congress (H. R. 8477) for the relief of the same person. That letter and accompanying memorandum read as follows:

JUNE 28, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8477) for the relief of Miriam Leser, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also

direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Poland.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MIRIAM LESER, BENEFICIARY OF H. R. 8477

Miriam Leser, single, a native of Poland, who claims to be stateless, was born on March 13, 1927. Her only arrival to the United States occurred at New York, N. Y. on May 18, 1930, on the steamship *Brazil* as a student. She received several extensions of her stay, the last of which expired November 6, 1952.

Deportation proceedings have been instituted against her and she has been found to be deportable from the United States on the ground that, after admission as a student, she failed to comply with the conditions under which she was admitted. On March 10, 1954, she was granted the privilege of departing voluntarily from the United States, with the alternative of deportation if she failed to depart. She was given to April 9, 1954, to effect her departure.

The beneficiary has no one dependent upon her for support. Her nearest relatives in the United States are an uncle and aunt, both of whom are citizens and residents of the United States. Her closest relative abroad is an aunt residing in Buenos Aires, Argentina. Prior to her arrival in the United States, Miss Leser resided in Buenos Aires, Argentina, for approximately 1 year. She stated that she was admitted to Argentina for permanent residence and claims that she is unable to return to that country because they will not renew her passport.

Miss Leser attended public schools, both in Poland and Germany, and is a high-school graduate. After her arrival in the United States, she attended the Beth Jacob Seminary at 143 South Eighth Street, Brooklyn, N. Y., from May 1950 to October 1953. She thereafter was employed as a Hebrew teacher at the Beth Jacob School for Girls at 558 Riverdale Street, Brooklyn, N. Y., from October 1953 to January 1954 at a salary of $60 per week. Since March 1954, she has been employed as an officeworker for the Bruce Richards Corp., 860 Broadway, New York, N. Y., at a salary of $30 per week. She values her net worth, which consists of personal effects, at approximately $500.

Mr. Klein, the author of H. R. 3520, submitted the following statements in support of this legislation:

CONGREGATION AHAVATH CHESED,
New York, N. Y., April 2, 1954.

To Whom It May Concern:

This is to certify that I have known Miss Miriam Leser, born in Tarnow, Poland, since childhood.

Miss Leser comes from an outstanding Jewish family known for its generosity in the community.

She is a person of high moral standing, good character, trustworthy, and pleasant personality.

RABBI B. HALBERSTAM.

HAPOEL HAMIZRACHI COUNCIL OF GREATER NEW YORK,
New York, N. Y., March 31, 1954.

To Whom It May Concern:

This is to certify that I know Miss Miriam Leser, born on March 13, 1927, at Tarnow, Poland, to be of outstanding character from a well-known family in Poland.

She is also known to me from the Hapoel Hamizrachi ranks and her activities in Hebrew teaching for Jewish children in after-war camps in Cassel, Germany.

Any cooperation shown to her would be deeply appreciated by our movement.

Sincerely yours,

Rabbi ISAAC AVIGDOR,
Executive Vice President.

STATEMENT OF MIRIAM LESER

My name is Miriam Leser. I was born on March 13, 1927, at Tarnow, Poland. I am single.

During the war years I was in hiding in Poland. When the war ended I found out that neither my parents nor my only sister survived. I spent about 2 years (from 1946 to 1948) at a displaced persons camp at Kassel, Germany, United States Zone.

Later I was for over a year in Argentina, from where I came to the United States as a student on May 15, 1950. My student visa expired several months ago and could not be extended further because I have no valid passport anymore. I am all alone, I have no close relatives and I have no country to which to go.

MIRIAM LESER.

STATE OF NEW YORK,
County of New York:

Sworn to before me this 2d day of April 1954.

ROBERT I. RUBACK,
Notary Public, State of New York.

Commission expires March 30, 1955.

Max Luming—H. R. 6950, by Mr. Kilburn

The beneficiary is a 22-year-old native of the Philippine Islands who is a citizen of China. He was admitted to the United States as a student in 1950, and has been employed as a mechanical engineer at the New York Air Brake Co. in Watertown, N. Y., since April 1, 1954.

The pertinent facts in this case are contained in a letter dated January 12, 1956, from the Commissioner of Immigration and Natu-

ralization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 12, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6950) for the relief of Max Luming, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for the Chinese.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MR. MAX LUMING, BENEFICIARY OF H. R. 6950

The beneficiary, Mr. Max Luming, a citizen of China, was born on November 21, 1933, in Manila, Philippine Islands. He is unmarried and resides at 105 Washington Street, Watertown, N. Y. He has been employed as a mechanical engineer at the New York Air Brake Co., Watertown, N. Y., since April 1, 1954, at a salary of $5,200. He has about $3,500 in cash savings. Mr. Luming received a bachelor of science degree from Purdue University on August 3, 1952, and graduated with a master of science degree in mechanical engineering from the Massachusetts Institute of Technology on February 2, 1954. His parents, 2 brothers and 2 sisters all reside in Manila, Philippines. One other brother, Henry Lu-Meng, is studying at Purdue University.

The beneficiary was admitted to the United States on February 7, 1950, at Los Angeles, Calif., as a student destined to Purdue University, Lafayette, Ind. He has been granted several extensions of his temporary stay, the last of which expired on June 21, 1955. Deportation proceedings were instituted on August 31, 1955, and he has been found deportable from the United States on the ground that, after admission to the United States as a student, he failed to comply with the conditions of such status.

Mr. Kilburn, the author of H. R. 6950, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

I was requested to introduce this bill by officials of the New York Air Brake Co., one of the largest industries in my congressional district.

Affidavits have been furnished the committee from prominent people in Watertown, including officials of the company, attesting to the fine character of Mr. Luming who was born in Manila, Philippine Islands.

The committee has the reports of the State and Immigration Departments showing that Mr. Luming was admitted to the United States on February 7, 1950, as a 4 (e) student. He has a bachelor of science degree from Purdue University and was graduated with a master of science degree in mechanical engineering from Massachusetts Institute of Technology.

He has been employed as an engineer for the Watertown division of the New York Air Brake Co., since April 1, 1954. Because of shortage of engineers, which has been predicted for several years ahead, and the fact that Mr. Luming has performed excellent services to the New York Air Brake Co., they are very desirous of retaining his skill.

Mr. Kilburn also submitted the following letters and statements in support of this legislation:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 17, 1956.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee.

MY DEAR MR. CHAIRMAN: In connection with my bill H. R. 6950, I enclose supporting letters attesting to the fine character of the beneficiary, Mr. Max Luming.

I would appreciate it if this bill could be scheduled for an early hearing.

Sincerely,

CLARENCE E. KILBURN,
Member of Congress.

JUNE 1, 1955.

Mr. C. W. MARSH,
Manager of Manufacturing.

DEAR MR. MARSH: This letter is being written to request your assistance in a rather unusual situation.

Mr. Max Luming became employed in the research section of our Watertown division on April 1, 1954, after receiving the degree of master of science in mechanical engineering at Massachusetts Institute of Technology. The value of his services to date, as well as the future potential is indicated in the copy of the attached letter from Mr. M. W. Huber, chief engineer of our research section.

His presence in our country since February 7, 1950, has been for educational and training purposes. Based on MIT's recommendation, the district director of the Immigration and Naturalization Service at Boston, Mass., granted him permission to be employed for practical training in our company. The maximum period permitted by the

immigration law for student practical training is 1½ years, and Mr. Luming's time will expire October 1, 1955.

The value of his services to our expanding engineering research and development program is considerable and we are very anxious to retain him with us beyond that date. In order for him to remain in this country and continue his services with our company, his nonimmigrant student status would have to be adjusted to that of a permanent resident through the immigration-quota system. Because of the complexities of the immigration laws, I thought it might be best to work directly through our representatives in Washington, hoping that your close acquaintance with them will assure us that everything possible will be done to secure a permanent resident status for Mr. Luming.

As you know, the major portion of our engineering research and development is devoted to aircraft high pressure hydraulic pumps, motors, transmissions, and servos, which are all vital components used on our military aircraft. We are at present supplying a major share of high pressure hydraulic pumps for our military aircraft. These pumps provide hydraulic power for utility and power-control systems vital to the successful flight of the airframe. To name only a few of our major customers, we list Lockheed, North American, Republic, and Boeing.

The rapid advancement of military aircraft design imposes increasing engineering requirements on aircraft components. To meet these advancing requirements, we must maintain a vigorous program of research and development carried out by capable engineers. Mr. Luming's services will contribute directly to our efforts, and thus contribute to the welfare and security of our Nation.

Mr. Luming has been investigated by our Federal Government and cleared to have access to classified information up to and including secret. He is an individual highly commended for his character and his belief in the principles of our country. He desires to become a citizen as soon as he is able to meet the requirements of 5 years permanent residence in this country.

Mr. Luming has not submitted any formal application for adjustment of status because filing of the application would immediately terminate his present student status and we realize there are many ramifications involved in the success of the application. Any information I have indicates that due to his Chinese ethnic origin he would be chargeable to the so-called Chinese persons quota of 105 annually and that this quota is at present oversubscribed. I am sure you realize the importance of proper and careful attention being directed to the matter on a preferential basis at the highest level, if we are to accomplish our purpose.

Mr. Luming now has in his possession all the documents required in filing an application for adjustment of status. He is ready at any time to present himself for any necessary interview.

The attached sheet gives pertinent personal information concerning Mr. Luming.

Mr. Luming, as a student, is at present under the jurisdiction of the district office of the Immigration and Naturalization Service at Boston, Mass., where his records are filed under A–7,421,238. Our own city of Watertown is under the jurisdiction of the district office of the Immigration and Naturalization Service at Buffalo, N. Y., where

an application for adjustment of status for Mr. Luming would be submitted and where decision on the application would be made by the district director at Buffalo.

You are well aware of the intensified engineering recruitment program that is and has been in effect in an attempt to secure necessary engineering talent to support our research and development program. Despite this intensified effort, we are unable to secure all the necessary engineering personnel required. Obviously, we cannot afford to lose Mr. Luming from our engineering organization and we request every possible action to secure his continued stay in this country.

I assure you that we shall greatly appreciate having your personal interest directed to this.

Very truly yours,

W. G. WATKINS.

PERTINENT PERSONAL INFORMATION CONCERNING MAX LUMING

1. Max Luming (no middle name) was born in Manila, Philippines, on November 21, 1933, of Chinese parents. His entire life, prior to coming to the United States, was spent in Manila where he received his elementary and high-school education. He has, therefore, been educated and trained in the democratic way of life prized by people who have experienced its benefits.

2. Both his parents are citizens of the Republic of China (Nationalist) and decided at the time of his birth to identify him as a Chinese citizen. He, therefore, is at present a Chinese citizen and possesses a Chinese passport No. 38124, which is valid until April 7, 1957, subject to extensions.

3. Mr. Luming's entire family, excepting a younger brother who is attending college at Purdue, resides in Manila where his father owns and manages a printing company. Because of this, he is ineligible to apply for permanent residence as a Chinese student refugee under the Refugee Relief Act of 1953.

4. He is single.

5. On February 7, 1950, at the age of 16, Mr. Luming entered this country at the port of Los Angeles, Calif., on a regular 4 (e) student visa (now known as F) to attend college at Purdue University, West Lafayette, Ind. The number of his Form I–94a Visitor's Permit is T–108627. From February 1950 to August 1952, he was a full time student in their school of mechanical engineering. On August 3, 1952, he was awarded the degree of bachelor of science in mechanical engineering with the honor of highest distinction. Subsequently, from September 1952 to February 1954, he pursued advanced studies in his field at the Massachusetts Institute of Technology Graduate School and graduated with the degree of master of science in mechanical engineering on February 2, 1954.

6. Since April 1, 1954, he has been employed for practical training with the Watertown division of the New York Air Brake Co. under permission granted by the district director of the Immigration and Naturalization Service at Boston, Mass.

[Interdepartmental correspondence]

MAY 31, 1955.

To: Mr. W. G. Watkins.
From: Mr. M. W. Huber.

DEAR MR. WATKINS: It has come to my attention that there may be some question as to the granting of permanent residence in the United States to Max Luming.

As you know he has been a member of our research organization for over 1 year and during that time has proven of considerable value to us in our research efforts. His character and loyalty have been well beyond reproach and he has shown great capabilities as a research engineer.

These qualities are also indicated in his scholastic record with which you are quite familiar.

If he were not to be granted permanent residence I would consider it a distinct loss and handicap to our efforts and I hope that you will do everything possible to clear this situation.

Very truly yours,

M. W. HUBER.

THE YOUNG MEN'S CHRISTIAN ASSOCIATION,
Watertown, N. Y., July 12, 1955.

Mr. WILSON G. WATKINS,
Personnel Director, New York Air Brake Co.,
Watertown, N. Y.

DEAR MR. WATKINS: Max Luming has been a resident of the Watertown YMCA for the past 12 months. Over this period of time, I have found him to be a very earnest and industrious young man.

He has fitted well in the life of our community and has proven to be an outstanding individual whose character traits are above reproach.

I highly recommend that his stay in this country be extended.

Sincerely yours,

WALLACE W. MANNING,
General Secretary,
Per W. L. WHITE.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
DEPARTMENT OF MECHANICAL ENGINEERING,
Cambridge, Mass., July 12, 1955.

Mr. W. G. WATKINS,
Personnel Manager, Watertown Division, New York Air Brake Co.,
Watertown, N. Y.

DEAR MR. WATKINS: In response to your recent request I am writing the firsthand impressions that Mr. Max Luming made when he was working with us at MIT from September 1952 to January 1954. His graduate work in the department of mechanical engineering leading toward a master's degree was done when he was somewhat younger than most of his classmates, and he was able to pay most of his own expenses by working on an industrial grant-in-aid. He proved to be well suited to do analytical work and managed to carry out the exper-

imental part of his program. He was quick to grasp new ideas. His difficulty in evaluating complex technical and human problems seemed to stem from his extreme youthfulness. Yet he was likable, had a sense of humor, and realized many of his own limitations.

I believe that he is an honest person, and that he is morally sound. He should make a good citizen. He loves freedom and respects other persons' rights. He probably has a much better understanding of our form of government and our way of life than most native-born citizens of his own age. He will tackle any job assigned to him with enthusiasm. He has seen a lot of tragedy and his family are apparently having a tough time in the Philippines, yet he seems to have a pretty levelheaded approach to life. Needless to say, he was a much better than average student and worker when he was at MIT.

Sincerely yours,

J. LOWEN SHEARER,
Assistant Professor of Mechanical Engineering.

WATERTOWN SAVINGS BANK,
Watertown, N. Y., July 11, 1955.

Mr. WILSON G. WATKINS,
Personnel Manager, New York Airbrake,
Watertown, N. Y.

DEAR MR. WATKINS: We have had the pleasure of serving Mr. Max Luming, 105 Washington Street, Watertown, N. Y., since April 12, 1954, in his personal savings program. On the basis of our experience with Mr. Luming in connection with that account and on the further basis of our observation as a resident of this community, we take pleasure in this occasion of expressing our high regard for Mr. Luming.

We believe Mr. Luming to be industrious, self-disciplined, honorable, and entirely willing at all times to discharge his full obligations as a resident of this community and a neighbor of this institution.

We are pleased to have this opportunity to express our opinion of Mr. Luming.

Very truly yours,

JAMES H. MCGOWAN, *President.*

Lorenzo Caprioglio—H. R. 3267, by Mr. Davidson

The beneficiary is a native and citizen of Italy who is 63 years of age. He first entered the United States on October 10, 1909, when he was admitted for permanent residence. He abandoned his residence in 1920 and was admitted to the United States as a visitor in 1930. Subsequently he obtained a reentry permit by stating that he had resided in the United States continuously since 1909, and was last admitted to the United States as a returning resident alien in November of 1931. The beneficiary has one brother who is a citizen and resident of the United States.

The pertinent facts in this case are contained in a letter dated January 25, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary regarding a bill pending during the 83d Congress (H. R. 5592) for the

relief of the same person. That letter and accompanying memorandum read as follows:

JANUARY 25, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5592) for the relief of Lorenzo Cesare Caprioglio, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Italy.

Sincerely,

A. R. MACKEY, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LORENZO CAPRIOGLIO, BENEFICIARY OF H. R. 5592

Lorenzo Caprioglio, a native and citizen of Italy, was born May 25, 1892. He last entered the United States on April 1, 1937, after an absence of several months in the Bahamas, and was admitted for permanent residence as a returning resident.

Mr. Caprioglio first entered the United States on October 10, 1909, when he was admitted for permanent residence, but he left the United States in 1920 for Italy, where he remained until 1930. He next entered the United States on September 9, 1930, and was admitted as a visitor for business for a period of 6 months. On February 2, 1931, he applied for a reentry permit, alleging that he had last entered the United States on October 10, 1909. After receiving the permit, he left the United States and returned on November 6, 1931, being admitted as a returning resident.

Deportation proceedings were instituted on December 3, 1947. Mr. Caprioglio was found to be subject to deportation on charges that, at the time of his last entry into the United States, he was an immigrant not in possession of a valid immigration visa, and that he had admitted the commission of a crime involving moral turpitude prior to entry; namely, perjury, in that he had made false statements under oath concerning his immigration status. On March 3, 1950, the Board of Immigration Appeals granted him the privilege of departing voluntarily from the United States but he did not depart. On June 19, 1953, he was accorded a hearing de novo and was found to be subject to deportation on the ground that, at the time of his last entry, he was an immigrant not in possession of a valid immigration visa. His appeal to the Board of Immigration Appeals is pending.

Mr. Caprioglio had 8 years of elementary schooling and also attended a school where he studied tree grafting and beekeeping. He worked at various occupations in Italy. He never performed military service. His parents are deceased and his only near relative in Italy is a half-brother.

During his stay in the United States, Mr. Caprioglio has been employed as a waiter in various hotels and restaurants but is presently unemployed. His assets consist of savings of $7,400 and personal effects valued at $1,600. He is single and has no one dependent upon him for support. His only near relative in this country is a brother, who is a citizen of the United States.

Mr. Davidson, the author of H. R. 3267, submitted the following statement in support of his bill:

STATEMENT OF CONGRESSMAN IRWIN D. DAVIDSON IN SUPPORT OF H. R. 3267, PRIVATE BILL FOR THE RELIEF OF LORENZO CAPRIOGLIO

The beneficiary of this bill, Lorenzo Caprioglio, first arrived in the United States in November of 1909. At that time, he was admitted for permanent residence.

In 1920 he returned to Italy, his native country, to visit his mother, who was ill, and he remained abroad for some 10 years.

With the rise of fascism, he fled from Italy, returned to the United States in 1930 with a visitor's visa, and was admitted for a temporary period after a hearing. When the visa expired in June 1931, he returned to Italy. In November 1931, the beneficiary again reentered the United States with a reentry permit based on his arrival in 1909. He has remained in this country since 1931.

However, in 1949, when he attempted to take out American citizenship papers, his reentry, based on his 1909 admission, came to light and deportation proceedings were begun on a charge of perjury in gaining the reentry permit in 1931. Those proceedings ended in an order permitting voluntary departure or the utilization of other administrative remedies under an oversubscribed Italian quota.

It is not quite clear even at this time as to whether or not there was a willful misstatement by the beneficiary when he reentered the United States in 1931 or whether the Immigration and Naturalization Service itself was at fault in permitting him to reentry under a permit granted by the Service.

A bill for the relief of this alien was introduced during the 83d Congress by the Honorable Arthur Klein who represented the district in which the beneficiary then resided. No action was taken on that bill, and upon my assuming office, I reintroduced the present bill for his relief on the 27th of January 1955, the beneficiary then residing in the congressional district which I represent. I did so because of the interest of the National Catholic Welfare Conference, which has attested to the good character of the beneficiary, because of the beneficiary's having been in the United States on and

off over a period of some 50 years, the last continuous period being in excess of 25 years, and because he has a brother who is a citizen of the United States.

In addition to the above facts, it should be noted that the charge of moral turpitude with which the beneficiary was charged during the 1949 deportation proceedings has actually never been passed upon. This resulted from the fact that a de novo hearing was granted in this beneficiary's case in June of 1953, and the beneficiary at that time was found to be subject to deportation, not on the ground of a crime involving moral turpitude, but rather that at the time of his last entry, he was an immigrant not in possession of a valid immigration visa.

Since, as I have mentioned previously, it is not clear that the Immigration Service was not to blame for his reentry with an invalid immigration visa, and since that is the ground upon which his deportation was ordered in 1953, it is respectfully urged that the committee give favorable consideration to this beneficiary who may well have been a victim of circumstances completely out of his control.

Bertha Rossin—H. R. 4406, by Mr. Davidson

The beneficiary is a 76-year-old native of Rumania and was last a resident of Israel. She is a widow and resides with her niece in New York City, by whom she is supported. One of her sons is a lawfully resident alien of the United States and her other two children, a son and a daughter, reside in Rumania.

The pertinent facts in this case are contained in a letter dated June 3, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 3, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives,
Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4406) for the relief of Mrs. Bertha Rossin, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Rumania.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. BERTHA ROSSIN, BENEFICIARY OF H. R. 4406

The beneficiary, Bertha Rossin, is a native of Rumania and last a resident of Israel who was born on October 26, 1879. She is a widow and resides together with her niece at the Essex House, 160 Central Park South, New York City. She is not employed and has no assets. She is supported by her niece.

Mrs. Rossin graduated from high school in her native town. In 1903 she married Strul Rossin, a native of Rumania, who died in 1933. Her son, Theodore Rossin, is a legal resident of the United States. She also has a son and two daughters who reside in Rumania. Mrs. Rossin migrated to Israel in 1951 and resided there approximately 1½ years prior to coming to the United States.

The beneficiary arrived in the United States at New York, N. Y., as a visitor on October 15, 1952, and was admitted for a period of 6 months. She subsequently received extensions to March 13, 1955. On April 26, 1955, she was served with a warrant of arrest in deportation proceedings, charging her with failing to comply with the terms of her admission. On May 18, 1955, after a hearing, she was granted voluntary departure with the alternative of deportation if she failed to depart. To date, she has not complied with the terms of this order.

Mr. Davidson, the author of H. R. 4406, submitted the following statement in support of his bill:

STATEMENT BY CONGRESSMAN IRWIN D. DAVIDSON IN SUPPORT OF H. R. 4406, PRIVATE BILL FOR THE RELIEF OF MRS. BERTHA ROSSIN

This bill is for the relief of Mrs. Bertha Rossin, who resides at 160 Central Park South, New York, N. Y.

Mrs. Rose Harra, who brought the situation confronting this beneficiary to my attention, is a personal friend of mine, whom I have known for a good many years. The beneficiary of the bill is supported by Mrs. Harra, who has provided for her since her arrival in New York in October of 1952.

Mrs. Rossin arrived at that time as a visitor for a period of 6 months, and various extensions were granted to her until March 13, 1955, so that she might continue to visit with her relatives and continue to receive dental and medical treatment.

Prior to the termination of the last extension granted by the Immigration and Naturalization Service, I introduced this bill for the adjustment of her status to that of lawful admission to the United States for permanent residence. The beneficiary is 76½ years old, a native of Rumania, but last a resident of the State of Israel. Mrs. Rossin has, besides the niece, Mrs. Harra, a son who is a legal resident of the United States, and, who on May 4, 1956, was given a hearing on his application for citizenship.

In addition to her ties to these relatives in the United States, there is medical evidence in the form of a letter from Dr. Morton L. Davidson of 65 Central Park West, New York City, which indicates that her health is severely impaired, that she needs continuous assistance and medical treatment, and that her condition would not permit travel without seriously threatening her life.

In view of the beneficiary's medical history, her age, her inability to travel, her close ties to relatives permanently in the United States, and in further view of the fact that the departmental report from the Department of Justice contains no unfavorable information, I respectfully urge that this bill receive the approval of the committee.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 620), as amended, should be enacted.

○

Calendar No. 2481

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2447

APPROVING THE GRANTING OF THE STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. Con. Res. 246]

The Committee on the Judiciary, to which was referred the concurrent resolution (H. Con. Res. 246) approving the granting of the status of permanent residence to certain aliens, having considered the same, reports favorably thereon with amendments and recommends that the concurrent resolution, as amended, do pass.

AMENDMENTS

1. On page 2, strike out line 1.
2. On page 7, line 9, strike the name "Huskel", and insert in lieu thereof the name "Heskel".
3. On page 31, after line 2, add the following names:

0300–387762, Foo, You Sung
A–6958562, Fong, Wen Chih
E–094641, Garcich, John
T–359295, Han, Paul
A–8057156, Salamon, Anton
0300–170339, Shiah, Chyn Duog
0300–465873, Swee, Tong
A–6542172, Tai, Jun Tsei
A–8082020, Yen, Chan Park
A–9694637, Yeung, Foo
0300–471299, Yook, Leong
A–6695455, Tong, William Langson
A–9770864, Tong, Ruth

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PURPOSE OF THE CONCURRENT RESOLUTION

The purpose of the concurrent resolution, as amended, is to record congressional approval of the granting of the status of permanent residence in the United States to certain refugees whom the Attorney General has determined to be eligible for such relief under the provisions of section 6 of the Refugee Relief Act of 1953 (67 Stat. 403), as amended by the act of August 31, 1953 (68 Stat. 1044).

The concurrent resolution has been amended to delete the name of one alien whose status has already been adjusted to that of a permanent resident, and to correct the spelling of one name. The resolution has also been amended to include the names of 13 aliens at the request of the House of Representatives.

STATEMENT OF FACTS

Prior to August 31, 1953, section 6 of the Refugee Relief Act authorized the granting of the status of permanent residence in the United States to a limited number of aliens, not to exceed 5,000, who lawfully entered the United States as bona fide nonimmigrants prior to July 1, 1953, and because of events which have occurred subsequent to their entry are unable to return to their country of birth, or nationality, or last residence because of persecution or fear of persecution on account of race, religion, or political opinion. Public Law 751, 83d Congress, 2d session, amended section 6 by providing that otherwise eligible aliens must establish that, either by events which occurred prior to their entry or subsequent to their entry, they are unable to return to their country of birth, or nationality, or last residence, because of persecution or fear of persecution on account of race, religion, or political opinion.

The act provides that if the Attorney General shall, upon consideration of all the facts and circumstances of the case, determine that such alien has been of good moral character for the preceding 5 years and that the alien was physically present in the United States on the date of the enactment of the Act and is otherwise qualified under all other provisions of the Immigration and Nationality Act except that the quota to which he is chargeable is oversubscribed, the Attorney General shall report to the Congress all the pertinent facts in the case. If, during the session of the Congress in which a case is reported or prior to the end of the session of the Congress next following the session in which a case is reported, the Congress passes a concurrent resolution stating in substance that it approves the granting of the status of an alien lawfully admitted for permanent residence to such alien, the Attorney General is authorized, upon the payment of the required visa fee, which shall be deposited in the Treasury of the United States, to the account of miscellaneous receipts, to record the alien's lawful admission for permanent residence as of the date of the passage of such concurrent resolution. If, within the above specified time, the Congress does not pass such a concurrent resolution, or, if either the Senate or the House of Representatives passes a resolution stating in substance that it does not approve the granting of the status of an alien lawfully admitted for permanent residence, the Attorney General shall thereupon deport such alien in the manner provided by law.

Included in the concurrent resolution, as amended, are 669 names. In each case which is recommended for approval, a check has been made to determine whether or not the alien (*a*) has met the requirements of the law, (*b*) is of good moral character, and (*c*) is possessed of strong equities which would warrant the granting of the status of permanent residence.

The committee, after consideration of all the facts in each case included in the concurrent resolution, recommends that the concurrent resolution (H. Con. Res. 246), as amended, do pass.

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Calendar No. 2482

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2448

WAIVING CERTAIN SUBSECTIONS OF SECTION 212 (a) OF THE IMMIGRATION AND NATIONALITY ACT IN BEHALF OF CERTAIN ALIENS

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 617]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 617) to waive certain subsections of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, having considered the same, reports favorably thereon with amendments and recommends that the joint resolution, as amended, do pass.

AMENDMENTS

1. On page 1, line 10, strike the name "Olive Markley".
2. On page 1, line 10, following the word "and", insert the name "Nelson Rupert Holland".
3. On page 6, renumber section "9" as section "12", and insert after section 8, the following new sections 9, 10, and 11:

SEC. 9. Notwithstanding the provision of section 212 (a) (19) of the Immigration and Nationality Act, Aston H. Savage may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

SEC. 10. Notwithstanding the provision of section 212 (a) (4) of the Immigration and Nationality Act, Maria LaSala and Gillian Allison Hackler may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act: *Provided*. That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited in each case as prescribed by section 213 of the said Act.

SEC. 11. Notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Erna Barbara Kreutner may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That her marriage to her United States citizen fiance, Staff Sergeant Hubert Griffith, shall occur not later than six months following the date of the enactment of this Act.

4. On page 6, add the following new sections 13 and 14:

SEC. 13. In the administration of the Immigration and Nationality Act, Gertrud Kreen, the fiance of Private First Class J. B. Elswick, Junior, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided*, That the administrative authorities find that the said Gertrud Kreen is coming to the United States with a bona fide intention of being married to the said Private First Class J. B. Elswick, Junior, and that she is found otherwise admissible under the provisions of the Immigration and Nationality Act. In the event that the marriage between the above-named persons does not occur within three months after the entry of the said Gertrud Kreen, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Gertrud Kreen, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Gertrud Kreen as of the date of the payment by her of the required visa fee.

SEC. 14. For the purposes of the Immigration and Nationality Act, Olive Markley shall be held and considered to

have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

5. Amend the title to read:

A joint resolution to waive certain subsections of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, and for other purposes.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to waive certain excluding provisions of existing law in behalf of 23 aliens who are the spouses, children, or parents of United States citizens, and to provide for the admission into the United States of 5 aliens who are the fiances of United States citizens, notwithstanding grounds for inadmissibility in 4 of the cases. The joint resolution also grants a waiver of an excludable ground in behalf of 1 alien whose United States citizen fiance is presently stationed overseas with our Armed Forces, providing the marriage takes place within 6 months after enactment of this act. The joint resolution, as amended, also grants the status of permanent residence in the United States to one alien, who is the wife of a United States citizen and the mother of an infant United States citizen child. Twenty-four of the beneficiaries were included in the joint resolution as it passed the House of Representatives. The remaining six beneficiaries who are included in the joint resolution, as amended, were the subjects of individual Senate bills, as follows:

S. 3098
S. 3716
S. 3701
S. 3432
S. 3205
S. 2945

One case included in the joint resolution as it passed the House of Representatives, would have granted a waiver of an excludable ground in behalf of the wife of a United States citizen, who is presently in the United States. However, the committee feels that the facts in this case warrant the granting of the status of permanent residence to this beneficiary, and the joint resolution has been amended accordingly.

STATEMENT OF FACTS

The following facts in each case included in the joint resolution, as amended, were contained in House Report 2194 (84th Cong., 2d sess.), and in the files of the Senate Committee on the Judiciary:

Hector Mokhtarian—H. R. 1042, by Mr. Hinshaw

The beneficiary is a 29-year-old native and citizen of Iran who is the husband of a citizen of the United States. He was first admitted to the United States as a student in 1949 and was last admitted after an absence of 1 day in Mexico. He would be eligible for administrative relief except for the fact that he committed perjury in connection with an application for an extension of his temporary stay in the United States. Mr. Hinshaw supplied the committee with the information that the beneficiary's parents have been admitted to the United States as immigrants. As introduced, H. R. 1042, provided for permanent residence in the United States but, in accordance with established precedents, the committee decided to waive the ground for exclusion from the United States, and thus enable him to adjust his status under the provision of the general immigration laws and regulations.

The pertinent facts in this case are contained in a letter dated April 26, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 7803) pending during the 83d Congress for the relief of the same person. That letter and accompanying memoradum read as follows:

APRIL 26, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7803) for the relief of Hector Mokhtarian, there is attached a memorandum concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

It appears that the beneficiary is eligible to nonquota status and, if otherwise qualified, able to obtain a nonquota immigrant visa.

As a quota immigrant the beneficiary would be chargeable to the quota of Iran.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HECTOR MOKHTARIAN, BENEFICIARY OF H. R. 7803

The alien, Hector Mokhtarian, who is married, is a native and citizen of Iran, born on August 24, 1926. His last foreign residence was Iran. He entered the United States on August 28, 1948, at the port of New York, being admitted as a student until June 8, 1949. He was destined to the Pasadena Nazarene College, Pasadena, Calif. He was granted extensions of his temporary stay, the last of which expired on June 8, 1953.

The beneficiary last entered the United States on April 12, 1952, at the port of San Ysidro, Calif., after an absence of 1 day in Mexico. On March 27, 1953, he applied for adjustment of status to that of a permanent resident in accordance with section 245 of the Immigration and Nationality Act. During the course of the examination in connection with this application it was discovered that the alien had abandoned his status as a student by accepting unauthorized employment on or about January 24, 1952. Consequently, on August 19, 1953, deportation proceedings were instituted against him. On October 22, 1953, after a hearing, he was ordered deported from the United States. An appeal from this decision was dismissed by the Board of Immigration Appeals on January 28, 1954. On February 10, 1954, a warrant for his deportation was issued by this Service. He is presently at liberty under a $500 bond.

The beneficiary has admitted the commission of perjury on May 29, 1952, in connection with an application for an extension of his temporary stay in the United States.

The alien testified that he obtained the equivalent of a high-school education in Iran. He graduated from the Pasadena Nazarene College, Pasadena, on May 27, 1952, with an A. B. degree, major in zoology and minor in French.

On April 11, 1952, the beneficiary married Roselle Lovelace, a native-born United States citizen, at Pasadena, Calif. They have one child, Cynthia Lynell Mokhtarian, who was born on February 12, 1953, at Pasadena, Calif.

Mr. Mokhtarian is employed as a machine operator at a salary of $72.50 per week. His assets total approximately $900 cash. He is the sole support of his wife and child with whom he resides at 872 North Raymond Avenue, Pasadena, Calif. His parents and a stepbrother reside in Iran. He has one sister temporarily residing in the United States as an alien student. She is attending Pasadena City College, Pasadena, Calif.

Mr. Hinshaw submitted the following letter in support of his bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 28, 1955.

Re H. R. 1042, for the relief of Hector Mokhtarian.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration,
House of Representatives.

DEAR MR. WALTER: Hon. Emanuel Celler, chairman of the House Committee on the Judiciary, informed me on March 30 the above-captioned bill had been docketed for consideration by your committee.

H. R. 7803 was introduced by me on February 8, 1954, for the relief of Mr. Mokhtarian. As no action was taken on this legislation during the 83d Congress, it was reintroduced in the 84th Congress as H. R. 1042.

I have received many communications from people in my district who know Mr. Mokhtarian attesting as to his good character and standing in the community. His parents have emigrated to this

country, and have acquired citizenship after waiting 8 years to be included in the quota from Iran.

I would appreciate it very much if the above bill could be scheduled for action by your committee before the session is concluded.

Sincerely yours,

CARL HINSHAW,
Member of Congress.

Andrea Ferrara—H. R. 1937, by Mr. Klein

The beneficiary is a 42-year-old native and citizen of Italy who is married to a citizen of the United States. He is inadmissible to the United States because of a conviction for a crime involving moral turpitude, to wit: theft.

The pertinent facts in this case are contained in a letter dated May 27, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 27, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 1937) for the relief of Andrea Ferrara, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the provisions of section 212 (a) (9) of the Immigration and Nationality Act, which excludes from admission to the United States aliens convicted of crimes involving moral turpitude.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANDREA FERRARA, BENEFICIARY OF H. R. 1937

Information concerning the beneficiary of the bill was furnished by Mrs. Francesca Ferrara, nee Macca, also known as Frances Ferrara the beneficiary's spouse, a citizen of the United States who resides at 9 Monroe Street, New Yosk, N. Y.

The beneficiary, Andrea Ferrara, is a native and citizen of Italy, who was born on May 21, 1913. He was married in Messina, Italy, on July 1, 1953, where he now resides. His occupation abroad had been that of a crewman. Mr. Ferrara attended elementary school in his native country. He has real-estate property in Messina, Italy, valued at $4,000. His mother, brother, and sister are citizens and residents of Italy. The beneficiary was arrested in Messina, Italy, in 1945 for receiving stolen property. He was tried in absentia, found guilty, and sentenced to 4 months' imprisonment.

However, he has never been required to serve any part of this sentence.

The beneficiary's only entry into the United States occurred at the port of Wilmington, N. C. on October 17, 1950, at which time he was admitted as a crewman. Deportation proceedings were instituted and he was found deportable on the ground that, after admission as a crewman, he remained in the United States for a longer period than permitted. He was granted the privilege of departing voluntarily from the United States in lieu of deportation and on February 2, 1953, he availed himself of this privilege by embarking for Europe. During his residence in the United States he was employed as a construction laborer.

Mrs. Ferrara's assets in the United Stares consist of a savings bank account in the amount of $330 and personal effects estimated at $2,500. She is employed as a sewing machine operator by S. Moynes & Sons, 61 West 23d Street, New York, N. Y., and earns a salary of $51 a week.

The Director of the Visa Office, Department of State, submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,
Washington, March 28, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of February 25, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Andrea Ferrara, beneficiary of H. R. 1937, 84th Congress, 1st session.

According to a report received by the Department from the American Consulate General at Palermo, Italy, Mr. Ferrara was convicted on October 24, 1949, of receiving stolen goods by the court in Messina in violation of articles 56 and 648 of the Italian Penal Code in that on September 25, 1945, he attempted to buy rope valued at 1 million lire, knowing that the rope had been stolen from the British naval patrol house.

As the crime of receiving stolen goods has been held to constitute a crime involving moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, the consular officer concerned had no choice other than to refuse to issue a visa in Mr. Ferrara's case.

Inasmuch as the value of the property at the time of the offense was in excess of $100 in United States currency Mr. Ferrara would not be entitled to the benefits of section 4 of Public Law 770, 83d Congress, 2d session.

At this time the Department has no knowledge of any factor in Mr. Ferrara's case, other than the information hereinbefore cited, which would render him ineligible to receive a visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mr. Ferrara from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Eduardo Orefice—H. R. 2710, by Mr. Cretella

The beneficiary is a 29-year-old native and citizen of Italy who is the husband of a lawfully resident alien in the United States. He was convicted of embezzlement in Italy in 1947 and sentenced to serve 8 months imprisonment, but was given a suspended sentence.

The pertinent facts in this case are contained in a letter dated July 6, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 6, 1955.

Hon. EMANUEL CELLER
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 2710) for the relief of Eduardo Orefice, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service, which has custody of those files.

The bill would provide that notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, the alien may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the act. It further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice have knowledge prior to enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EDUARDO OREFICE, BENEFICIARY OF H. R. 2710

The beneficiary resides in Italy and has never been in the United States. Mrs. Immacolata Orefice, nee Scarinzi, New Haven, Conn., who is the wife of the beneficiary of the bill, has furnished the following information:

Eduardo Orefice is a native and citizen of Italy, who was born in Benevento on September 12, 1926. He resides at Amorosi, Italy, and is not employed. He attended public school for 12 years and Benevento College for 2 years, and was formerly employed by the Italian Government as a customs officer. The alien owns an apartment building at Amorosi valued at $10,000. His father, mother, 3 brothers and 3 sisters all live in Italy.

Immacolata Orefice, the wife-sponsor, is a native and citizen of Italy who was born at Vitulano on December 17, 1914. She resides at 71 Prince Street, New Haven, Conn., and is employed as a tailoress in that city at $50 per week. She has a savings account of $325, and furniture and personal effects valued at $2,000. The sponsor attended 5

years of public school in Italy and 2 years of evening school at New Haven. Her parents are deceased. She has 2 brothers, 1 of whom lives in Italy and the other in East Africa. She has no near relatives in the United States.

Mrs. Orefice first entered the United States at New York on January 11, 1951, at which time she was admitted for permanent residence. On July 7, 1953, she left this country for a visit to Italy and was readmitted to the United States at New York on October 10, 1953, as a returning resident. Mrs. Orefice states that she was married to the beneficiary at Vitulano, Italy, on August 10, 1953. She stated she had known the beneficiary for about 1 year prior to her arrival in the United States for permanent residence. She has also stated that her husband was refused a visa by the American Consul in Italy because he appears to have been involved in black market dealings in cigarettes in Italy.

A visa petition submitted by the sponsor for her husband was approved on October 30, 1953. A translation of a document in the Italian language furnished by Mrs. Orefice reflects that Eduardo Orefice was tried by the Territorial Military Tribunal of Milan on December 22, 1947, for the crime of smuggling while employed as a customs officer. He was found guilty and sentenced to 8 months in a military prison, which sentence was conditionally suspended because of the defendant's previous favorable history and the likelihood of his repentance. The sponsor also furnished a translation of another document which reflects that on August 24, 1953, the Court of Appeals of Milan for the Republic of Italy granted the petition of Eduardo Orefice and ordered that he be declared exonerated from the penal effects deriving from the sentence pronounced against him by the Military Tribunal of Milan on December 22, 1947. The court further decreed, that since the petitioner did not serve the sentence imposed upon him, but was given the benefit of conditional suspension and has given actual and constant proof of good conduct, he be declared exonerated from any penal effects deriving from his conviction.

Mrs. Immacolata Orefice, the wife of the beneficiary, is the person primarily interested in the bill.

The Director of the Visa Office, Department of State, also submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,
Washington, August 16, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 1, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Eduardo Orefice, beneficiary of H. R. 2710, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Naples, Italy, states that Mr. Orefice was convicted of the crime of embezzlement under section 215 of the Italian

Military Penal Code on December 22, 1947, by the Territorial Military Court of Milan, Italy. On the basis of this conviction Mr. Orefice is considered to be ineligible to receive a visa under the provisions of section 212 (a) (9) of the Immigration and Nationality Act as a person who has been convicted of a crime involving moral turpitude.

At this time the Department has no knowledge of any factor in Mr. Orefice's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude him from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Cretella submitted the following letters in support of his bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 19, 1955.

Hon. EMANUEL CELLER,
Chairman, Judiciary Committee,
House of Representatives, Washington, D. C.

DEAR CHAIRMAN CELLER: I am extremely hopeful that some favorable action will be taken on H. R. 2710, for the relief of Edward Orefice, who was refused a visa by the American consul at Naples. This man is married to an American citizen.

In accordance with the request of your office, I am enclosing a letter addressed to me by the American consul at Naples on this matter.

Sincerely yours,

ALBERT W. CRETELLA,
Member of Congress.

AMERICAN CONSULATE GENERAL,
Naples, Italy, December 7, 1954.

Hon. ALBERT W. CRETELLA,
Post Office Building, New Haven, Conn.

MY DEAR MR. CRETELLA: I refer further to your interest in the case of Mr. Eduardo Orefice, who was refused visa facilities by this office on July 19, 1954.

Mr. Orefice's case has been reconsidered in the light of Public Law 770, and it has been determined that he remains ineligible to receive a visa by reason of the provisions of section 212 (a) (9) of the Immigration and Nationality Act of 1952. He was convicted before the military tribunal of Milan on December 22, 1947, of smuggling merchandise into Italy in violation of his duties as a finance or custom guard, which offense is considered to involve moral turpitude and to be a felony if committed in the United States.

I assure you that Mr. Orefice's application has received every possible consideration consistent with the United States immigration laws and regulations.

Sincerely yours,

ROBERT J. CAVANAUGH,
American Consul.

Adolfo Morciano—H. R. 5073, by Mr. Canfield

The beneficiary is a 34-year-old native and citizen of Italy who is the husband of a citizen of the United States. He is inadmissible to the United States because of a conviction in Italy for forgery in 1950, for which he was given a suspended sentence of 9 months. The beneficiary is also the father of one United States citizen child.

The pertinent facts in this case are contained in a letter dated June 28, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 27, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5073) for the relief of Adolfo Morciano, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of those files. According to the records of this Service the full name of the beneficiary is Adolfo Rocco Morciano.

The bill would exempt the beneficiary from the provisions of section 212 (a) (9) of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude and would enable the beneficiary to gain permanent admission to the United States if he is found to be otherwise admissible under the provisions of that act. The bill also provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ADOLFO MORCIANO, BENEFICIARY OF H. R. 5073

The beneficiary, whose full name is Adolfo Rocco Morciano, was born on January 28, 1922, in Ameglia, La Spezia, Italy. He now resides at 55 Corso, Sardegna, Genoa, Italy, with his parents and sister. He had been admitted to the United States on November 13, 1950, at New York, N. Y., as a member of the crew of the steamship *Italia*. He deserted his vessel and remained in the United States illegally. Deportation proceeding were instituted against him on July 9, 1953, and, after being granted the privilege of voluntary departure from the United States, he returned to Italy on August 6, 1953.

During his illegal residence in the United States from November 13, 1950, to August 6, 1953, the beneficiary was employed as a waiter by the Biltmore Hotel, New York,

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N. Y., where he earned approximately $80 per week. On September 29, 1951, he married Dorothy Cataldo, who is a citizen of the United States. They resided with his wife's parents in West Paterson, N. J. The beneficiary's wife accompanied him to Italy upon his departure on August 6, 1953. She remained with him until some time in 1954 when she returned to the United States. Thereafter, on June 4, 1954, their daughter, Dona Morciano, was born in West Paterson, N. J. The beneficiary's wife and child now reside with the wife's parents and are supported by them.

The beneficiary attended schools in Italy for 12 years. He is presently unemployed and has no known tangible assets. He has no close relatives in the United States other than his wife and child. In 1950 he was convicted in Italy of forgery. Although he was sentenced to imprisonment for a term of 9 months, this sentence was suspended. It is indicated that in January 1955, following his appeal to the courts in Italy, the beneficiary was acquitted of the foregoing offense.

The committee may wish to communicate with the Bureau of Security and Consular Affairs of the Department of State for additional information concerning the beneficiary.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, June 20, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 30, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Adolfo Morciano, beneficiary of H. R. 5073, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Genoa, Italy, states that Mr. Morciano was convicted by the court of Genoa on July 18, 1950, of forgery and he was given a suspended sentence of 9 months' imprisonment. On April 13, 1954, Mr. Morciano was informally refused a visa under the provisions of section 212 (a) (9) of the Immigration and Nationality Act as a person who has been convicted of a crime involving moral turpitude.

In addition to the above conviction, it was found that Mr. Morciano had been charged with misappropriation of funds on 2 occasions, 1 before the pretura of Sarzana, Province of La Spezia on July 31, 1947, and again by the pretura of Pontremoli, Province of Massa, on February 18, 1949. In both of these cases the court did not proceed because the plaintiffs did not enter formal charges.

The consulate general reports further that in October 1954, Mr. Morciano's case was reviewed in the light of section 4 of Public Law 770, 83d Congress. However, he was convicted of a felony and was not entitled to the benefits of the above-cited provision of law.

At this time the Department has no knowledge of any factor in Mr. Morciano's case, other than the information hereinbefore cited,

which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude him from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Canfield submitted the following letters in support of his bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 18, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR CHAIRMAN: I refer to H. R. 5073 for the relief of Adolfo Morciano, the husband of my constituent, Mrs. Dorothy Morciano, Browertown Road, West Paterson, N. J. It is my understanding that reports have been received from both the Department of State and the Immigration and Naturalization Service in the matter.

Mrs. Morciano is an American citizen, a former schoolteacher in my district, and a member of a highly respected family. She and her infant daughter have only recently returned from Italy where they have been residing with Mr. Morciano in order to keep their family from being separated.

Your early consideration of H. R. 5073 will be greatly appreciated.

Thanking you for your kind attention and with all best personal wishes, believe me to be,

Very sincerely yours,

GORDON CANFIELD,
Member of Congress.

WEST PATERSON, N. J., *April 12, 1955.*

GORDON CANFIELD,
Member of Congress, House of Representatives,
Washington, D. C.

DEAR MR. CANFIELD: Upon arriving home from Genoa I was greeted with the happy news that you had introduced a private bill for the relief of my husband, Adolfo Morciano. I was told that you had also written to me in Genoa but I had already departed. My husband has informed me of the receipt of your letter and copies of the bill. Words cannot express mine and my husband's gratitude to you for this most generous gesture. It has renewed our faith in mankind, a faith which had almost abandoned us.

Under separate cover I had mailed to you the second court record (in both the original Italian and a certified translation) of the appeal granted my husband on January 26, 1955. We had hoped that this record would be favorably considered by the consulate in Genoa but it was the opinion of the consulate general that the contents do not remove the grounds which constitute the reasons for his inadmissibility.

If you care to read the contents of this second court record you will understand that my husband had no opportunity to plead his case. The unexpected turn of the trial, that is the investigation as to the fault appreciation being cut off by the amnesty of 1946 proved to be

unfortunate (even though it resulted in an acquittal) as far as my husband's visa case goes.

I send the documents to you notwithstanding in the event they may be of some assistance in obtaining a favorable consideration from the House Judiciary Committee.

Once again accept mine and my husband's sincerest thanks.

With the hope of hearing from you shortly, I remain,

Respectfully yours,

DOROTHY MORCIANO
Mrs. Adolfo Morciano.

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Genoa, Italy, January 21, 1955.

Hon. GORDON CANFIELD,
House of Representatives, Washington, D. C.

MY DEAR MR. CANFIELD: Reference is made to your letter of January 10, 1955, requesting a report on the facts in the immigrant visa case of Mr. Adolfo Morciano, the husband of your constituent, Mrs. Dorothy Cataldo Morciano, of West Paterson, N. J. You state that if the case warrants it, you plan to introduce a private bill in Mr. Morciano's behalf.

Mr. Morciano was convicted by the court of Genoa on July 18, 1950 of "aggravated falsification," which appears to be comparable to the crime of fraud in the United States, and he was given a suspended sentence of 9 months' imprisonment.

It appears that Mr. Morciano owed 52,000 lire to an individual called Giuseppe Novarino and that he did not have the money to pay this debt on the date stipulated. A friend of Morciano provided him with a check which he had signed with a fictitious name. The check had been made out in the amount of 150,000 lire. Morciano states that he gave this check to Novarino as a guaranty that the debt would be paid on the condition that Novarino would not attempt to cash the check for a few days. In that period of time Morciano expected to get the cash from his father or from other source. He claims, therefore, that there was no intent to defraud on his part. It appears, however, that Mr. Novarino became suspicious and he presented the check at the bank to be cashed and it was then discovered that the check was forged. Morciano's friend, Gaetano Dragotto, was the person who made out the check and signed it using his mother's checkbook.

In addition to the above conviction, it was found that Mr. Morciano had been charged with misappropriation of funds on 2 occasions, 1 before the Pretura of Sarzana, Province of La Spezia on July 31, 1947, and again by the Pretura of Pontremoli, Province of Massa, on February 18, 1949. In both of these cases the court did not proceed because the plaintiffs did not enter formal charges.

On April 13, 1954, Mr. Morciano was informally refused a visa under the provisions of section 212 (a) (9) of the Immigration and Nationality Act as a person who has been convicted of a crime involving moral turpitude.

In October 1954, Mr. Morciano's lawyer, Ernesto Monteverde of via Fieschi 1/4, Genoa, Italy, requested this office to review Mr. Mor-

ciano's case in the light of section 4 of Public Law 770, 83d Congress, which provides relief for an alien who is excludable because of the conviction of a misdemeanor classifiable as a petty offense under the provisions of section 1 (3) of title 18, United States Code, "provided, that the alien has committed only one such offense."

In the course of the debate on this new legislation, as you know, Congress considered a misdemeanor as an offense not punishable by imprisonment for 1 year or more, and for whom the penalty actually imposed was imprisonment not to exceed 6 months or a fine not to exceed $500 or both.

Inasmuch as Mr. Morciano's sentence was for more than 6 months and as it appears that he may have committed more than 1 offense, this office informed his lawyer that Mr. Morciano's case could not be reconsidered in the light of section 4 of Public Law 770.

You may be assured that this office has given Mr. Morciano every consideration consistent with the immigration laws and regulations of the United States.

Sincerely yours,

CLOYCE K. HUSTON,
American Consul General.

Mrs. Bitten Frandsen Bello—H. R. 5161, by Mrs. St. George

The beneficiary is a 23-year-old native and citizen of Denmark who is the wife of a citizen of the United States, a former serviceman. She has been found inelligible to receive a visa because of a conviction of fraud for which she was given a suspended sentence of 40 days, and for a conviction of theft for which she was sentenced to 60 days' imprisonment. That sentence was also suspended for 3 years.

The pertinent facts in this case are contained in a letter dated January 6, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 6, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5161) for the relief of Mrs. Bitten Frandsen Bello, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the provision of section 212 (a) (9) of the Immigration and Nationality Act, which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude. The bill further provides that this exemption is limited to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the date of enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. BITTEN FRANDSEN BELLO, BENEFICIARY OF H. R. 5161

Information concerning the case was obtained from Mr. Dominico Bello, husband of the beneficiary.

The beneficiary, Mrs. Bitten Frandsen Bello, was born on April 30, 1932, in Hastrup, Denmark, and is a citizen of Denmark. She married Dominico Bello, a citizen of the United States, on May 15, 1954, at Copenhagen, Denmark. She resides in Copenhagen, where she is engaged in part-time employment as a fashion model. She attended public school for 10 years. Her mother died in 1944. Her father, 2 brothers, and 2 sisters reside in Denmark.

The beneficiary has never been in the United States. She was denied the issuance of a United States immigrant visa on criminal grounds. An examination of translations of the certified copies of the relating criminal records discloses the following: The beneficiary was sentenced by the northern district court of Copenhagen County, on August 11, 1951, to 40 days in prison, suspended for a period of 3 years, plus supervision while on probation, upon a charge of fraud in connection with her false claim that an employer had failed to pay her wages; she was also sentenced by the municipal court of Copenhagen, on June 27, 1952, to 60 days in prison, suspended for a period of 3 years, plus supervision while on probation, on a charge of theft in connection with the stealing of a silver bracelet from the room of a hotel where she was employed as a chambermaid. The first of these offenses took place on May 5, 1951, and the second on August 19, 1951.

Mr. Dominico Bello was born on March 31, 1932, in Newburgh, N. Y. He resides with his United States citizen parents, and younger brother at 58 Overlook Place, Newburgh, N. Y. He has three married sisters who are citizens of the United States. Mr. Bello enlisted in the United States Air Force on January 12, 1951, and was honorably discharged with a rating of airman, first class on January 11, 1955, after service in this country and abroad. Since February 1955 he has been employed as a route salesman for a dairy company in Newburgh, N. Y. Mr. Bello, who is principally responsible for the support of the beneficiary, has assets consisting of approximately $1,700 in bank savings and personal effects valued at approximately $2,500.

The Director of the Visa Office, Department of State, also submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, September 29, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of June 6, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Bitten Frandsen Bello, beneficiary of H. R. 5161, 84th Congress, 1st session.

A report recently received by the Department from the American Embassy at Copenhagen, Denmark, states that on August 11, 1951, Mrs. Bello was convicted of fraud and sentenced to imprisonment for 40 days. However, the sentence was suspended for 3 years. On June 27, 1952, Mrs. Bello was convicted of theft. At that time, the court combined the punishments for the 2 offenses and sentenced the defendant to imprisonment for 60 days. Once again, the sentence was suspended for 3 years, contingent upon the good behavior of Mrs. Bello.

From the information cited above, it would appear that Mrs. Bello would be ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Mrs. Bello's case, other than the information hereinbefore cited, which would render her ineligible to receive a immigrant visa. However, it should be borne in mind that any ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mrs. St. George submitted the following letter in support of her bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 14, 1956.

Re H. R. 5161, Mrs. Bitten Frandsen Bello.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I shall appreciate it very much if favorable action is taken on the above bill.

Mrs. Bello married a citizen of the United States while he was serving with the Air Force in Copenhagen. He is now in the United States, and has been for some time.

It is a matter of record that Mrs. Bello is excludable because of two criminal offenses. At the age of 18 she was charged with accepting duplicate payment of wages as a maid in a private home, the amount involved being approximately $24.50. The second offense was a theft of a bracelet worth approximately $1.25. Both sentences were suspended.

I have received appeals for action on this bill from not only the husband, but also his sister and brother, all of whom are urging that Mrs. Bello be admitted to the United States.

Hr. Bello, the husband, returned to Denmark to visit his wife in October 1955 at considerable expense, and is most anxious to have his wife with him so that he can establish his home.

Very sincerely yours,

KATHARINE ST. GEORGE.

Mrs. Johanna Maier Rose—H. R. 5235, by Mrs. St. George

The beneficiary is a 25-year-old native and citizen of Germany who is the wife of a United States citizen serviceman and the mother of two United States citizen children. She has been found inadmissible to the United States because of two convictions for theft in 1952.

The pertinent facts in this case are contained in a letter dated July 10, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 19, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5235) for the relief of Mrs. Johanna Maier Rose, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Atlanta, Ga., office of this Service which has custody of those files.

The bill would authorize the beneficiary's lawful admission to the United States for permanent residence, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act with respect to her conviction for two offenses of theft in Germany, if she is found to be otherwise admissible under the provisions of that act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. JOHANNA MAIER ROSE, BENEFICIARY OF H. R. 5235

The beneficiary resides in Germany and has never been in the United States. Information concerning her was furnished by her husband, Sgt. Robert Edward Rose, a citizen of the United States who is presently serving with the United States Army in Headquarters Company, 101st Airborne Division, Fort Jackson, S. C.

The beneficiary was born on August 26, 1930, at Schnaittach, Germany, and is a citizen of that country. She was married to Sergeant Rose on February 10, 1954, in Herzogenaurach, Germany. Sergeant Rose and Mrs. Rose are the parents of two children, Robert Edward Rose, Jr., born on April 15, 1953, in Herzogenaurach, Germany, and Johanna Erna Rose, born on June 5, 1954, in Nurnberg, Germany. The children reside with the beneficiary and her mother and three sisters. The beneficiary's father is deceased.

Sergeant Rose has stated that the beneficiary was refused an immigrant visa by the American consul on the ground that she was convicted by the Bavarian District Court in Furth, Nurnberg, Germany, on August 25, 1952, of two offenses of theft. According to a communication received from the State Department under date of November 19, 1954, the beneficiary under her maiden name of Johanna Maier, was convicted by the Bavarian District Court at Furth, Nurnberg, Germany, on April 25, 1952, for stealing

a silver place setting on 1 occasion, and 1 sheet, 3 small lace doilies, 1 table mat, 4 white handkerchiefs, 1 child's jacket, a quantity of dress material, and some bedding material on another occasion. These actions were stated to constitute two offenses of larceny according to sections 242, 247/I of the German Criminal Code.

The beneficiary has had some employment as a housemaid but has not been employed since 1952. She and her children are entirely dependent upon Sergeant Rose for their support.

Sergeant Rose was born in Sloatsburg, N. Y., on September 10, 1929. He has been in the United States Army since May 22, 1947. His present income is $281 per month which includes $157 a month allotted to the beneficiary and their children. He was stationed in Germany from October 1947 to February 1954, and is presently attempting to obtain reassignment to Germany so that he might reside with his wife and children.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, June 21, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 2, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Johanna Maier Rose, beneficiary of H. R. 5235, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Munich, Germany, states that Mrs. Rose, under her maiden name, Johanna Maier, was convicted by the Bavarian District Court at Fuerth-Nuernberg, on April 25, 1952, of two offenses of theft in violation of sections 242 and 247/I of the German Criminal Code.

By reason of her convictions of crimes involving moral turpitude, namely theft, Mrs. Rose is ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act.

Although section 4 of Public Law 770, 83d Congress, provides relief for certain aliens who have been convicted of a misdemeanor which amounts to a petty offense, Mrs. Rose's case does not fall within the purview of that provision of law since it provides relief to those aliens who have committed only one offense involving moral turpitude. Mrs. Rose has committed two such offenses.

At this time the Department has no knowledge of any factor in Mrs. Rose's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

UNIVERSITY OF MICHIGAN LIBRARIES

Mrs. St. George, the author of H. R. 5235, submitted the following letter in support of her bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 14, 1956.

Re H. R. 5235, Johanna Maier Rose

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: The reasons for Mrs. Rose's inadmissability are a matter of record, and included in the Department reports.

Sergeant Rose, husband of the above, has been enlisting my help since 1954 when he was stationed in South Carolina.

He was stationed in Germany from 1947 until February of 1954. In 1954, just prior to his return to the United States, he married Mrs. Rose, who was the mother of his child. Ever since that time he has tried to get her into the United States, and, failing that, to be with his family.

In 1955, Sergeant Rose was returned to Germany where he has been living with his family. He now has two children. He faces the possibility of another transfer, which would separate him from his family; and in view of his strong feeling of family responsibility, I urge that this bill be favorably considered.

Very sincerely yours,

KATHARINE ST. GEORGE.

Stephen Parnetta—H. R. 5542, by Mr. Sadlak

The beneficiary is a 44-year-old native and citizen of Canada who is married to a citizen of the United States. He has been found inadmissible to the United States because of a conviction in 1938 on 5 counts of stealing wheat and barley and was sentenced to serve 6 months' imprisonment.

The pertinent facts in this case are contained in a letter dated August 5, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 5, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5542) for the relief of Stephen Parnetta, there is attached a memornadum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service which has custody of those files.

The bill would provide that notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, the alien may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the act. It would further provide that this exemption shall apply only to a ground for exclusion of which

the Department of State or the Department of Justice had knowledge prior to enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE STEPHEN PARNETTA, BENEFICIARY OF H. R. 5542

Information concerning the case was obtained from Mrs. Bernice Parnetta nee Szumowski, the sponsor wife of the beneficiary.

Stephen Parnetta, a native and citizen of Canada, was born on November 13, 1911, at Canora, Saskatchewan. His only marriage was on May 2, 1953, to Bernice Szumowski at Geraldton, Ontario, Canada, after knowing her for 1 week. There are no children. The beneficiary lives in Geraldton, Ontario, Canada, where he is employed as a taxi driver. His assets are unknown. He attended public school at Canora, Saskatchewan, for an unknown period. Mr. Parnetta served in the Canadian Army for 3 years and received a medical discharge, but his wife could not give the years during which he served. His mother and four brothers live in Canada, and his wife is his only relative in this country. The alien visited his wife in New Haven, Conn., for a week during June or July, 1954, and from December 10, 1954, to April 5, 1955. On both occasions he is alleged to have entered the United States at Buffalo, N. Y., but the Buffalo Office of this Service has no record of these entries.

The Canadian police records reflect that the alien was convicted in 1938 on five counts of stealing wheat and barley from one Wasyl Chabun of Canora between January 6, 1938, and February 28, 1938, and that he was sentenced to 6 months in jail.

The files of this Service in this case contain an affidavit executed at Canora, Saskatchewan, Canada, on April 23, 1955, by one Peter Chabun, son of Wasyl Chabun, made in the matter of an application by the beneficiary for an immigrant visa to reside in the United States. The substance of the affidavit by Peter Chabun is as follows: That he, Peter Chabun, took wheat and barley from his father and then induced Stephen Parnetta to sell this wheat and barley; that, after Stephen Parnetta had sold the grain and given the money to Peter Chabun, he, Peter Chabun, had paid Stephen Parnetta for having sold the grain; that Stephen Parnetta had agreed to sell the grain only because of close friendship with Peter Chabun; that, after the episode, both were arrested and convicted for theft; that he, Peter Chabun, had received a sentence of 60 days in jail, and Stephen Parnetta had received a sentence of 6 months in jail.

Mrs. Bernice Parnetta is a native citizen of the United States who was born on December 13, 1913, at New Haven, Conn. By occupation she is a seamstress, but she is presently

unemployed. From about 1920 to March 1938, she lived in Poland with her parents. While in Poland, she attended public school for 3 years. She returned to the United States on March 4, 1938, at New York, and was admitted as a citizen of this country on presentation of a United States passport. A mutual friend introduced her to the beneficiary while she was on a visit to Hamilton, Ontario, Canada, on Easter Sunday, 1953. A week later she went to Geraldton, Ontario, Canada, and was married, and then returned to New Haven, Conn., where she resides in her own home at 89 Walcott Street. This is her only marriage. A visa petition filed in behalf of her husband to accord him nonquota status as the spouse of a United States citizen was approved by this Service on August 28, 1953. Mrs. Parnetta's assets consist of the following: $200 in a bank account, real estate valued at $2,600, and clothing and other personal belongings valued at $500. She is the person primarily interested in the bill.

The Director of the Visa Office, Department of State, also submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,
Washington, August 17, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of April 19, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Stephen Parnetta, beneficiary of H. R. 5542, 84th Congress, 1st session.

The records of the Department show that Mr. Parnetta was convicted of five counts of theft by the Provincial police magistrate, Yorkton, Saskatchewan, Canada, on March 19, 1938. In view of this fact Mr. Parnetta was informally refused a visa by the American consulate general at Winnipeg, Canada, on April 28, 1954. As the conviction was for more than one act of theft, Mr. Parnetta would not be eligible for the relief provided by section 4 of Public Law 770, 83d Congress, 2d session.

At this time the Department has no knowledge of any factor in Mr. Parnetta's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude him from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Francesco Fiore—H. R. 5934, by Mr. Gamble

The beneficiary is an 87-year-old native and citizen of Italy who is a widower. He is coming to live with one of his daughters, a citizen of the United States. In addition Mr. Fiore has 4 other children, 2 of whom are citizens of the United States. One child is a lawfully resident alien in the United States and another daughter expects to enter the United States in the near future. Mr. Fiore was convicted in 1888 of willfully inflicting injuries with a forbidden weapon.

The pertinent facts in this case are contained in a letter dated July 15, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 15, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5934) for the relief of Francesco Fiore, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the provisions of section 212 (a) (9) of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude. The bill further provides that this exemption is limited to a ground for exclusion of which the Department of State or Department of Justice have knowledge prior to the date of enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FRANCESCO FIORE, BENEFICIARY OF H. R. 5934

Information in this case was furnished by the bill's sponsor, Mrs. Maria Raffaela Zinzi, a United States citizen, who is the daughter of the beneficiary and resides at 1325 Halstead Avenue, Mamaroneck, N. Y.

The beneficiary, Francesco Fiore, was born on November 18, 1869, in Rogiano Gravina, Province of Cosenza, Italy, and is a citizen of Italy. His wife, the late Carmela Stabene Fiore, died in Italy in October 1954. He has 5 children, of whom 3 are citizens of the United States and 2 citizens of Italy. His daughter with whom he resides in Italy expects to enter the United States as an immigrant shortly, while a son, a member of the religious order of the Society of Jesus in Italy, was admitted to the United States as a nonimmigrant on June 9, 1955. His other relatives include a sister who is a citizen of the United States. The beneficiary, who has been totally deaf since boyhood, is a retired farmer and is mainly supported by funds, averaging $15 to $20 per month, which he receives from Mrs. Zinzi.

Francesco Fiore has never been in the United States. He was denied the issuance of an immigration visa by the American Consulate General, Naples, Italy, on January 14, 1955, on the ground of his conviction and sentence to 1 month's imprisonment on August 3, 1888, at San Marco Argentano, Italy, for the crime of assault with a weapon. An examina-

tion of a certified copy and translation of the relating criminal record discloses as follows: Francesco Fiore was convicted of willfully inflicting injuries on one Vincenzo Rotondaro with a forbidden weapon (switch-blade knife) capable of causing infirmity and incapacity to work for a period of more than 5 but less than 30 days. Since the crime involved is classifiable as a felony under section 1 (3), title 18 United States Code, the provisions of section 4, Public Law 770, 83d Congress, have been held to be inapplicable to the beneficiary as they relate to excludable aliens who have committed only one misdemeanor, classifiable as a petty offense.

The sponsor, Maria Raffaela Zinzi, is a 57-year-old native of Italy. She has resided in the United States since 1913 and was naturalized at White Plains, N. Y., on March 7, 1946. She and her husband, Vito Zinzi, who is also a citizen of the United States, are employed at Mamaroneck, N. Y. They have combined assets of approximately $13,000 in savings and a home valued at $20,000. In the event he is admitted into the United States the beneficiary would reside with, and be maintained by, Mr. and Mrs. Zinzi.

The Director of the Visa Office, Department of State, submitted a letter dated June 27, 1955, with reference to this legislation, which reads as follows:

DEPARTMENT OF STATE,
Washington, June 27, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 13, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Francesco Fiore, beneficiary of H. R. 5934, 84th Congress, 1st session.

The records of the Department and of the American Consulate General at Naples, Italy, disclose that Mr. Fiore was convicted on August 3, 1888, by an Italian court of competent jurisdiction of "willfully inflicting injuries on one Vincenzo Rotondaro with a forbidden weapon (switch-blade knife) capable of causing infirmity and incapacity to work for a period of more than 5 but less than 30 days." In the course of its opinion the court stated in part, "the circumstances alleged by the defendant Fiore—that he was forced to wound Rotondaro when the latter struck him—has not been proved but it has, on the contrary, been ascertained that Fiore, having become incensed over the dispute, decided to use violent measures and pulled the knife out of his pocket, wounding Rotondaro."

The offense of which Mr. Fiore was convicted corresponds to the crime of assault with a dangerous weapon as that term is defined in the United States. The courts of the United States have held that such a crime involves moral turpitude, and therefore section 212 (a) (9) of the Immigration and Nationality Act renders Mr. Fiore ineligible to receive a visa and excludable from admission into the United States.

Mr. Fiore's case has been examined in the light of section 4 of Public Law 770, 83d Congress, 2d session, which provides for the issuance of a visa to a person convicted of not more than one offense classifiable as a petty offense within the meaning of section 1 (3) of title 18, United

States Code. As Mr. Fiore was convicted of a crime classifiable as a felony and not of a misdemeanor classifiable as a petty offense as outlined in the statutes, the provisions of this law are not applicable to his case.

At this time the Department has no knowledge of any factor in Mr. Fiore's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude him from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Gamble, the author of H. R. 5934, submitted the following letters in support of his bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 11, 1955.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: I have introduced H. R. 5934 for the relief of Francesco Fiore and shall be pleased if the agencies may be asked to give the committee a report on the measure.

Mr. Fiore, now 85 years of age, was denied an immigrant visa by the American Consul General in Naples because he was convicted in 1888 of assault with a dangerous weapon and sentenced by the Italian court to 1 month's imprisonment.

Mr. Fiore's daughter, Mrs. Vito Zinzi, 1325 Halstead Avenue, Mamaroneck, N. Y., tells me Mr. Fiore's wife died suddenly 3 months ago and that he has two daughters, a son, a sister, and grandchildren in the United States.

For the record I am attaching copy of a letter I received from the American Consul General at Naples to whom I had made inquiry concerning the visa application of Mr. Fiore.

Very sincerely yours,

RALPH A. GAMBLE.

AMERICAN CONSULATE GENERAL,
Naples, Italy, February 18, 1955.

Hon. RALPH A. GAMBLE,
House of Representatives,
Washington, D. C.

MY DEAR MR. GAMBLE: I refer to your letter of February 7, 1955, relating to your interest on behalf of Mrs. Vito Zinzi of Mamaroneck, N. Y., in the immigrant visa application of her father, Mr. Francesco Fiore.

The records of the Consulate General indicate that an immigrant visa was refused to Mr. Fiore on January 14, 1955, after he was found to be ineligible to receive a visa and inadmissible into the United States under the provisions of section 212 (a) (9) of the Immigration and Nationality Act, as amended. An examination of personal documents submitted in support of his visa appliation, indicated

that Mr. Fiore was convicted of a crime involving moral turpitude by a competent Italian court on August 3, 1888, for assault with a dangerous weapon and sentenced to 1 month's imprisonment.

I regret the necessity of informing you of the unfavorable decision in Mr. Fiore's case. It has, however, received every possible consideration consistent with the United States immigration laws and regulations.

Sincerely yours,

ALFRED T. NESTER, *American Consul General.*

The committee also received the following letter in support of this bill:

MAMARONECK, N. Y., *January 29, 1956.*

Hon. FRANCIS E. WALTER,
Chairman, House Committee on the Judiciary,
Subcommittee No. 1, Washington, D. C.

DEAR MR. WALTER: Please excuse for troubling you with this letter.

Hon. Ralph A. Gamble, in his kind letter of August 2, 1955, to my sister, Mrs. Vito Zinzi, stated that there was not enough time left in the last session to reach H. R. 5934 for the relief of my father, Francesco Fiore. However, he also stated that a hearing would be arranged early in this session.

If I may ask you a favor, please do all possible to hasten discussion on the said bill, which pertains to an 86-year-old man. Even a few days' precedence would give great happiness to a poor old man whose only wish, before he dies, is to see all his children in the United States.

With all my gratitude for your kindness, and may God bless you,

Sincerely yours,

Rev. SALVATORE FIORE, S. J.

Mrs. Phyllis Shuster—H. R. 6537, by Mr. Klein

The beneficiary is an 18-year-old native and citizen of Great Britain who is the wife of a United States citizen, a former serviceman. She has been found inadmissible to the United States because of conviction of larceny, and was placed on probation for a period of 2 years.

The pertinent facts in this case are contained in a letter dated November 18, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 18, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6537) for the relief of Phyllis Shuster, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission aliens convicted of a crime in-

volving moral turpitude, provided the beneficiary is found to be otherwise admissible under the act. The bill also provides that such waiver shall apply only to a ground for exclusion known to the Department of State or the Department of Justice prior to its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PHYLLIS SHUSTER, BENEFICIARY OF PRIVATE BILL H. R. 6537

Information concerning the beneficiary was furnished by her husband, Allen Shuster, the sponsor of the bill.

The beneficiary, whose maiden name was Phyllis Heilig, was born in Manchester, England, on August 12, 1937, and is a British subject. She now resides with her parents, Mr. and Mrs. David Heilig, at 99 Bellott Street, Manchester, England. She has never been in the United States. She is a dressmaker by trade, but is not presently employed and is being supported by her father.

The beneficiary and Mr. Shuster were married in Manchester, England, on December 28, 1954. The birth of a child of this union is expected in September 1955. Mrs. Shuster was informally refused a visa by the American consulate at Liverpool, England on January 14, 1955, on the grounds of inadmissibility under provisions of section 212 (a) (9) of the Immigration and Nationality Act, which relates to persons convicted of crimes involving moral turpitude. In this connection it was established that on November 23, 1953, the beneficiary was convicted in Manchester, England, of larceny; obtaining money by virtue of a forged instrument, and was placed on probation for a period of 2 years.

The sponsor was born in the city of New York on August 12, 1930. He presently resides with his parents at 2766 Barnes Avenue, Bronx, N. Y. He served in the United States Air Force from October 1950 to October 1954, when he was honorably discharged as airman, first class. He is not presently employed and has no independent income. His assets consist of $350 in savings. He is presently studying dramatic arts, but expects to seek a position in the medical administrative field, as he had training in such work while a member of the United States Air Force.

The Director of the Visa Office, Department of State, submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,
Washington, June 27, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of June 6, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Phyllis Shuster, beneficiary of H. R. 6537, 84th Congress, 1st session.

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A report recently received by the Department from the American consulate at Liverpool, England, states that Mrs. Shuster was informally refused an immigrant visa at that office on January 14, 1955, under the provisions of section 212 (a) (9) of the Immigration and Nationality Act. This refusal was based on a conviction by the Assizes Courts at Manchester, on November 23, 1953, upon an indictment charging her with larceny; obtaining money by virtue of a forged instrument. She was placed on probation for a period of 2 years. Mrs. Shuster, at the time of the conviction, was 16 years of age.

As the crime for which Mrs. Shuster was convicted; namely forgery, is considered to be a felony, she would not be eligible for relief under the benefits of section 4 of Public Law 770, 83d Congress, 2d session.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Klein, the author of H. R. 6537, submitted the following letters in support of this bill:

FOREIGN SERVICE
OF THE UNITED STATES OF AMERICA,
AMERICAN EMBASSY,
London, April 15, 1955.

Hon. LESLIE LEVER, M. P.,
16 John Dalton Street,
Manchester 2.

MY DEAR MR. LEVER: As I explained to you on the telephone, I have carefully examined Mrs. Phyllis Shuster's visa dossier which was transmitted to the Embassy from the consulate at Liverpool and find that in view of the appropriate provisions of the United States Immigration Act Mrs. Shuster is ineligible to receive a visa to the United States.

The record indicates that Mrs. Shuster was convicted by the Assizes Courts at Manchester on November 23, 1953, upon an indictment charging her with larceny and that she was placed on probation for a period of 2 years. Among other excluding provisions of the Immigration Act, a person who has been convicted of a crime involving moral turpitude is ineligible to receive a visa regardless of whatever extenuating circumstances may lie behind the conviction itself. Although Mrs. Shuster was only 16 years of age at the time of conviction, her case was tried in an adult court at the request of the solicitor acting for the Crown and therefore in accordance with the provisions of the Immigration Act the conviction cannot be disregarded by the consular officer. The reverse would have been true if the case had been handled in a juvenile court.

Since Mrs. Shuster was under the age of 18 at the time of conviction, she may be granted a visa after 5 years from the commission of the crime in question.

I regret that in cases of this kind the consular officer has little or no discretion and must abide by the provisions of the Immigration Act as enacted by the Congress. In view of the compassionate aspects of Mrs. Shuster's case, the consul at Liverpool submitted all the facts in her case to the Department of State at Washington for its approval prior to taking final action.

If, in view of the apparent extenuating circumstances in her case, Mrs. Shuster were able to obtain the quashing of the conviction in

the British courts it would then be possible for renewed consideration to be given to her visa application. Alternatively, it is suggested that Mr. Shuster may wish to contact his Congressman in the United States in an endeavor to obtain Mrs. Shuster's entry into the United States through private legislation.

I trust that the above information will be of some assistance to you and I regret that the report on her case is not more encouraging.

Sincerely yours,

STANLEY S. CARPENTER,
American Consul.

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN EMBASSY,
London, May 17, 1955.

Hon. ARTHUR G. KLEIN,
House of Representatives,
Washington, D. C.

MY DEAR MR. KLEIN: I have received your letter of May 5, 1955, with regard to the visa case of Mrs. Phyllis Shuster of 99 Bellott Street, Cheetham, Manchester, who is the wife of Mr. Alan Shuster of 2766 Barnes Avenue, Bronx, N. Y.

I have examined Mrs. Shuster's file and find that the question of her eligibility for the benefits of section 4 of Public Law 770 was carefully studied by the responsible consular officer in Liverpool at the time of the refusal. It was his conclusion, in which I concur, that since the crime of forgery was involved in the charge upon which she was convicted, her offense, if committed in the United States, would be classified as a felony. In addition, the sum involved was £126 or $352.80, which, if the element of forgery were ignored, would have made her conviction equivalent to one for grand larceny, also a felony.

As stated in the Embassy's letter of April 15, 1955, to the Honorable Leslie Lever, M. P., to which you refer, Mrs. Shuster's eligibility could be considered under section 212 (a) (9) once the required 5-year period from the date of the commission of the offense has elapsed. This would naturally work hardship on Mr. and Mrs. Shuster, but unless the conviction is quashed, which is unlikely, I can think of no other solution but private legislation.

I wish to assure you that this case will continue to receive every consideration consistent with immigration law and visa regulations.

Sincerely yours,

E. TOMLIN BAILEY,
American Consul.

Mrs. Maria Pallotto Iacobucci—H. R. 6865, by Mr. Kearns

The beneficiary is a 63-year-old widow who is a native and citizen of Italy. She has been found inadmissible to the United States because of two convictions for the theft of wood in Italy in 1908 and in 1913. She has 4 children and 2 brothers who are United States citizens and reside in this country.

The pertinent facts in this case are contained in a letter dated October 7, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 7, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6865) for the relief of Mrs. Maria Pallotto Iacobucci there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Pittsburgh, Pa., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude and would grant the alien permanent residence, if she is found to be otherwise admissible, provided that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. MARIA PALLOTTO IACOBUCCI, BENEFICIARY OF H. R. 6865

Information concerning this case was obtained from Remo Iacobucci, who is the son of Mrs. Iacobucci.

Mrs. Iacobucci, whose maiden name was Maria Pallotto, is a native and citizen of Italy. She was born August 15, 1892, in Montenero Valcocchiaro, Campobasso, Italy. Mrs. Iacobucci is a widow. Her father is deceased. Her mother and one sister reside in Italy. One other sister resides in France. She has 2 brothers and 4 children who are United States citizens and reside in the United States. Mrs. Iacobucci has never been in the United States. She has resided on her own farm in Montenero Valcocchiaro, Campobasso, Italy since 1913.

It is indicated that Mrs. Iacobucci was arrested on two occasions in Italy for taking wood from the community property at Alfedena, L'Aquila, Italy. She was first arrested in 1908 at which time she was released without charges being preferred. The second occasion was in 1913 at which time she was sentenced to 3 days in jail.

The committee may wish to communicate with the Bureau of Security and Consular Affairs of the Department of State for additional information concerning the beneficiary.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, July 28, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of July 11, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Maria Pallotto Iacobucci, beneficiary of H. R. 6865, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Naples, Italy, states that Mrs. Iacobucci was refused a visa under the provisions of section 212 (a) (9) of the Immigration and Nationality Act as she had been convicted of theft on two occasions by the pretore of Castel di Sangro on February 28, 1908, and March 3, 1913, respectively.

At this time the Department has no knowledge of any factor in Mrs. Iacobucci's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Kearns submitted the following letter in support of his bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 21, 1955.

Re H. R. 6865, Mrs. Maria Pallotto Iacobucci.

Hon. FRANCIS E. WALTER,
Chairman, Sucommittee on Immigration, Judiciary Committee,
House Office Building, Washington, D. C.

MY DEAR MR. CHAIRMAN: I have introduced the above bill with the hope that this lady can be admitted to the United States where her children reside, all of them being United States citizens.

Mrs. Iacobucci committed 2 minor thefts of wood from a public park 50 years ago but because there are 2 convictions she cannot be admitted on a regular visa.

I will appreciate it if you will get a report on this bill and expedite action as much as possible. The lady is well up in years and her children are anxious to have her spend her remaining years with them.

Sincerely yours,

CARROLL D. KEARNS,
Member of Congress.

Nunzio Isgro—H. R. 7711, by Mr. O'Brien of New York

The beneficiary is a 59-year-old native and citizen of Italy whose wife is a lawfully resident alien in the United States. He has 2 sons in the United States, 1 as a lawfully resident alien and the other a naturalized United States citizen. He was convicted in Italy in 1935 of inflicting severe personal injuries on another and was sentenced to 4 years imprisonment, and for that reason has been found inadmissible to the United States.

The pertinent facts in this case are contained in a letter dated January 13, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follws:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 13, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7711) for the relief of Nunzio Isgro, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens convicted of crimes involving moral turpitude, and would grant the beneficiary permanent residence if he is found to be otherwise admissible under the provisions of that act. The bill also provides that this exemption shall apply only to a ground of exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE NUNZIO ISGRO, BENEFICIARY OF H. R. 7711

Information concerning this case was obtained from Santo D. Isgro, the beneficiary's son.

The beneficiary, Nunzio Isgro, a native and citizen of Italy, was born on April 6, 1897. He is married and resides at Via Mancusi, Gualtieri, Sicamino, Sicily, Italy. His wife, Anna, has been a lawful permanent resident of the United States since May 4, 1954. She is presently visiting with the beneficiary abroad. Mr. Isgro is self-employed as a farmer and earns an average of 1,500 lire or $3 per week. His only assets are a small house and a small plot of land valued at approximately $1,000. His education consists of five grades of elementary schooling.

Mr. Isgro has never resided in the United States. His two children, Biagio, a legal resident of the United States, and Santo, a naturalized citizen of the United States, reside in Albany, N. Y.

He was refused an immigrant visa to enter the United States by the American Consulate in Italy because of a conviction of a crime involving moral turpitude, to wit, assault, for which he was sentenced to 4 years in prison. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

The sponsor, Santo D. Isgro, 89 Madison Avenue, Albany, N. Y., has resided in the United States since 1952 and is now employed as a barber at the Dewitt Clinton Barber Shop, Albany, N. Y. He stated that he has a bank account in the sum of $7,000 and that he will provide for his father until he becomes self-supporting.

The Director of the Visa Office, Department of State, submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,
Washington, October 4, 1955.

The Honorable EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of August 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Nunzio Isgro, beneficiary of H. R. 7711, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated September 12, 1955, from the American consulate general at Palermo, Italy.

From the information contained in the enclosures, it would appear that Mr. Isgro would be ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Mr. Isgro's case, other than the information contained in the enclosures, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any ground of ineligibility which may come to light prior to visa issuance would preclude him from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

SEPTEMBER 12, 1955.

To: The Department of State.
From: American Consulate General, Palermo, Italy.
Subject: Visas: Immigrant case of Nunzio Isgro.
Ref: Department's OMV No. 103 of September 6, 1955.

Nunzio Isgro is the beneficiary of approved second preference visa petition No. 3–11406, which was executed by his son, Santo Domenico Isgro, of No. 89 Madison Avenue, Albany, N. Y. Quota status was authorized by the Department on March 21, 1953.

The Consulate General, on August 4, 1953, informally refused a visa to Mr. Isgro under the provisions of section 212 (a) (9) of the Immigration and Nationality Act, on the basis of a certified copy of a sentence of the Court of Assizes of Messina, Italy, dated October 4, 1935. Isgro was convicted of inflicting severe personal injuries on another ("lesione personale gravissima") and was sentenced to 4

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years imprisonment. The court record reveals that Isgro threw his umbrella, pointed end forward, striking one Tommaso De Gregorio on the chin, saying, "You lack one eye, and I want to take out the other." The blow of the umbrella caused a wound on De Gregorio's chin which took 10 days to heal and which resulted in a permanent scar.

The responsible consular officer refused the visa on the grounds that Isgro had been convicted of assault with intent to inflict serious bodily injury.

In response to an inquiry concerning the applicant, the Consulate General on March 30, 1954, informed the Honorable Leo W. O'Brien, of the House of Representatives, of the refusal and the basis therefor. Prior to this writing, the case had never been reexamined in the light of section 4 of Public Law 770. However, in view of the nature of the offense committed by the applicant, which would be classifiable as a felony if committed in the United States, it does not appear that Public Law 770 is applicable to his case.

In addition to the aforementioned sentence, the applicant submitted to the Consulate General a certified copy of a sentence of "rehabilitation" of the Court of Appeals of Messina, Italy, dated August 10, 1945. As the Department is aware, rehabilitation in Italy is simply a process by which a person who has been convicted of a crime and who establishes that he has been of good conduct for a prescribed period of time following his release from prison or the discharge of his obligations, may have restored to him certain civil rights which he lost by reason of his conviction. Rehabilitation in no sense mitigates or wipes out a conviction.

Mr. O'Brien, the author of H. R. 7711, submitted the following letter in support of his measure:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 17, 1956.

Re H. R. 7711, for the relief of Nunzio Isgro.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1,
Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: I am most anxious to have my bill for the relief of Nunzio Isgro, of Italy, favorably considered at this session of Congress so that this good man may join the other members of his family who are now residing in Albany, N. Y.

The required reports from the Immigration and Naturalization Service, and the State Department are now in your file, and Mr. Isgro's sons will be willing to appear before your subcommittee in support of H. R. 7711, if desired.

I shall be deeply grateful if you will schedule this measure for early consideration by your subcommittee.

Kindest regards, I am,

Sincerely yours,

LEO W. O'BRIEN.

Hertha Stammler Brumbaugh—H. R. 7713, by Mr. Shuford

The beneficiary is the 28-year-old German wife of a United States citizen, a former serviceman. She was found to be ineligible to the United States because she has admitted the commission of three larcenies for which she was not prosecuted.

The pertinent facts in this case are contained in a letter dated December 23, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 23, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7713) for the relief of Hertha Stammler Brumbaugh, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Miami, Fla., office of this Service, which has custody of those files.

The bill is apparently intended to exempt the beneficiary from the excluding provisions of paragraph (9) of section 212 (a) of the Immigration and Nationality Act, although no specific reference is made to the provisions of that paragraph in the bill. The bill also provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of the bill.

Sincerely.

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HERTHA STAMMLER BRUMBAUGH, BENEFICIARY OF H. R. 7713

Information concerning this case was obtained from Mr. James Howard Brumbaugh, the beneficiary's husband.

The beneficiary, Hertha Stammler Brumbaugh, nee Hertha Flora Stammler, was born on May 20, 1927, in Chemnitz-Sachsen, Germany. She has never been in the United States.

The beneficiary met her husband in Wiesbaden, Germany, in January 1954 where he was serving with the United States Air Force. The Air Force denied them permission to marry on the basis of information from the American consulate, Frankfurt, Germany, that the beneficiary was ineligible for an immigrant visa because of her moral background. The beneficiary then emigrated to Canada and her husband returned to the United States. They were married on December 11, 1954, in Hamilton, Ontario, Canada, where the beneficiary has since resided alone. This is the first marriage for the beneficiary. However, her husband was

previously married, which marriage was terminated by divorce on November 21, 1951. There are no children by either marriage.

The beneficiary was denied an immigrant visa on the basis of her admission of having committed crimes involving moral turpitude, to wit, (1) theft of handkerchiefs and cups, and (2) theft of coffee cups, glasses and ice-cream dishes, and (3) theft of one tablecloth. The charges against her on each count were dropped by the German authorities under the provisions of a Hessian law passed on June 19, 1947, which provided that no prosecution should be instituted for offenses committed prior to December 18, 1946, provided they were minor offenses or were committed as a result of privation, the circumstances of war, or the confusion following the collapse of Germany. She attended schools in Germany for 11 years. She is now employed as a cotton mill machine operator in Hamilton, Ontario, Canada, and earns $55 a week. She is not known to have any tangible assets. Her mother is deceased and her father has been missing since 1943.

James Howard Brumbaugh was born on August 30, 1927, in Hudson, N. Y. His father resides in Dallas, Tex. His mother and sister reside in Kingsport, Tenn. He has completed 2 years of college and is skilled in photomapping. He was a member of the United States Army from October 26, 1945, to May 30, 1947, and the United States Air Force from January 16, 1951, to December 2, 1954. He now resides in Daytona Beach, Fla., where he is self-employed as the owner and operator of a shrimp boat valued at about $3,000. His earnings average about $80 a week. He has no other tangible assets.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, May 4, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to the Department's letter of January 19, 1956, concerning House Resolution 7713 which was introduced by Mr. Shuford on July 28, 1955, for the relief of Hertha Stammler Brumbaugh.

A report dated April 12, 1956, has been received from the Consul General at Frankfort, Germany, containing the following information:

"In submitting the record to the Department as an enclosure to the Consulate General's referenced OMV, even though the first paragraph thereof mentions court records, it should have been mentioned by this office that a translation of the "court report of investigation" in connection with the subject's committing theft in three cases was being submitted instead of a translation of the subject's conviction for theft. Actually, the subject has not been convicted, although she has been guilty of the crime. It has been brought to the attention of this office that the court proceedings were stopped before the

subject's case went to trial. This was done in accordance with paragraph 3 of the Hessian amnesty law, dated June 19, 1947.

"Therefore, there are actually no court records to be obtained in this case. This office has only the report of the investigations of the court, a translation of which was forwarded to the Department as an enclosure to our OMV No. 688.

"A translation of paragraph 3 of the Hessian amnesty law, dated June 19, 1947, is as follows:

"Criminal actions committed prior to December 18, 1946, for which punishment does not exceed imprisonment sentence of 3 months and a fine of 3,000 Reischsmark, or for which no higher sentence than described above is to be expected, the amnesty is to be applied in accordance with paragraph 1, sections 2 and 3, it is also to be applied in cases where the provisions of paragraph 1, section 1, sections 2 and 3, it is also to be applied in cases where the provisions of paragraph 1, section 1, are not given."

A copy of the report of investigation referred to is enclosed in duplicate.

Sincerely yours

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

[Translation]

HERTA STAMMLER

WIESBADEN, *July 2, 1947.*

The investigations conducted revealed the following:

On account of a report a house search was undertaken by the police in the accused's apartment whereby the items, mentioned on page 3 of the court records, were found and recognized as property of the person who suffered the damage, Weischer. These items were secured. In Mrs. Seibert's apartment—further details regarding her person see page 9 of the records—there was also a house search undertaken, whereby the items mentioned on page 2 of the records, were secured.

During her interrogation the accused confessed having stolen from Mrs. Weischer and at the Cafe Neroberg. At first she denied emphatically having stolen from Mrs. Froehlich (further details regarding Mrs. F. see page 7 of the records) however, in view of the evidence she was forced to confess that she became guilty of theft of linen. Although being reproached that she had stolen from the Waldbuesser family she denies it emphatically. In this connection it was not possible to prove the theft, however, it is assumed that she committed the theft of the items as mentioned in the report. There was a further person mentioned in the report, namely a certain Prassert, who allegedly often visited the person who suffered the damage, Weischer, together with the accused Stammler. She is supposed to live at Ruedesheim. It was, however, impossible to interrogate her in this respect because she had not registered with the police at Ruedesheim and therefore could not be found. Thus it

can be assumed that Prassert is still in possession of stolen property which could not be secured.

On account of the results of the interrogation it appears that the accused Stammler had committed theft in 3 cases at 3 families and thus became guilty of continuous theft of items and further she is cogently suspected to have committed theft in a fourth case. She admits only that she had stolen the items which were found in her apartment. It is, however, assumed that she had stolen several further items which could not be found and which were partly used by Stammler or exchanged against other things. All stolen items, except the glasses and cups of the Cafe Neroberg, could be returned to the legal owners. The property of the Cafe Neroberg could not be returned because the cafe is confiscated. As soon as the release takes place through the occupation forces, the items, which are in custody of Mrs. Seibert, will be returned to the owner.

Stammler has not been convicted before.

Mr. Shuford submitted the following letter in support of his bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 26, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration,
House of Representatives, Washington, D. C.

DEAR MR. WALTER: I am writing you to request that the bill which I introduced for the relief of Hertha Stammler Brumbaugh, H. R. 7713, be brought up for consideration by your subcommittee.

Mrs. Brumbaugh is the wife of a United States citizen and is inadmissible to the United States at this time because of the apparent admission to the commission of several infractions. These infractions were committed during the war and were dropped by the German authorities under the provisions of a Hessian law passed on June 19, 1947. The separation of Mr. and Mrs. Brumbaugh is causing an extreme hardship on the couple.

I am respectfully requesting that this bill be placed on the docket for consideration in the near future.

Sincerely yours,

GEORGE A. SHUFORD, M. C.

Irmgard Hornauer Russo—H. R. 7822, by Mr. Bosch

The beneficiary is a 29-year-old German wife of a United States citizen, a former serviceman. She has been found inadmissible to the United States because of a conviction in Germany in 1951 of 1 offense of abortion and 1 crime of aiding and abetting an abortion, for which she was sentenced to serve 3 months and 2 weeks imprisonment.

The pertinent facts in this case are contained in a letter dated December 9, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 9, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7822) for the relief of Irmgard Hornauer Russo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act, which excludes from admission to the United States aliens convicted of crimes involving moral turpitude, if she is found to be otherwise admissible under the provisions of that act. The bill further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE IRMGARD HORNAUER RUSSO, BENEFICIARY OF H. R. 7822

Information concerning this case was furnished by John Russo, the husband of the beneficiary.

Irmgard Hornauer Russo, who was born on October 31, 1926, is a native and citizen of Germany. She married Mr. Russo in that country on February 26, 1955. The beneficiary resides in Bamberg, Germany. Her husband furnishes $25 a week to provide for her necessary needs. Mrs. Russo's mother, a brother, and a sister are citizens and residents of Germany. Another sister is a permanent resident of the United States.

In May 1955 she applied at the United States consulate at Munich, Germany, for a visa to enter the United States for permanent residence. She was refused a visa on the ground that she had been convicted of a crime involving moral turpitude. Mr. Russo alleges the offense involved was in allowing her room to be used to perform an abortion.

John Russo, a 23-year-old United States citizen, served honorably in the Armed Forces of this country for 3 years, which included 19 months of duty in Germany. He resides with his parents at 95–23 147th Place, Jamaica, N. Y. Mr. Russo is employed as a carpenter by Frank Lurz, Bellmore, N. Y., and receives a salary of $100 per week.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, September 19, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives:

DEAR MR. CELLER: Reference is made to your letter of August 15, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Irmgard Hornauer Russo, beneficiary of H. R. 7822, 84th Congress, 1st session.

A report recently received by the Department from the American Consulate General at Munich, Germany, states that Irmgard Harnauer was convicted by the criminal court at the District Court Bamberg during a public hearing on August 1, 1951, of 1 offense of abortion and 1 crime of aiding and abetting a crime of accomplished abortion performed on another. She was sentenced to a cumulative penalty of 3 months and 2 weeks imprisonment.

From the information reported by the Consulate General, it would appear that Mrs. Russo would be ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Mrs. Russo's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mine that any ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Carmen Leokadia Kondrup—H. R. 8003, by Mr. Auchincloss

The beneficiary is a 29-year-old native and citizen of Poland who is the wife of a United States citizen, a former serviceman. She was convicted of perjury in Germany in 1953 and was sentenced to serve 6 months' imprisonment.

The pertinent facts in this case are contained in a letter dated March 8, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 8, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8003) for the relief of Carmen Leokadia Kondrup, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude and

would authorize the alien's admission for permanent residence if she is otherwise admissible under that act. The bill further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CARMEN LEOKADIA KONDRUP, BENEFICIARY OF H. R. 8003

The beneficiary's maiden name was Carmen Kellerowska. She is a native and citizen of Poland, born on November 6, 1926, at Glowno, Poland. She married Adolph Emil Kondrup at Augsburg, Germany, on October 26, 1954. The beneficiary attended elementary school in her native country. She is a clerk by occupation. However, she is presently unemployed and dependent upon her husband for support.

The beneficiary resides in Munich, Germany. She has never been in the United States. In May of 1955, she applied to the American Consul in Munich, Germany, for an immigrant visa. However, such application was denied on the ground that she had been convicted of a crime involving moral turpitude.

The beneficiary's husband, Adolph Emil Kondrup, is a citizen of the United States. He was born at Middletown, N. Y. on September 18, 1931. Mr. Kondrup served in the United States Army from May 1952 to April 24, 1954, at which time he was honorably discharged with the rating of corporal. He presently resides in Fair Haven, N. J., and is employed by Dempsey & Applegate of Middletown, N. J., as a mason's helper.

Mr. Kondrup states that the beneficiary was arrested and convicted of perjury in Augsburg, Germany, in 1951, and was sentenced to 6 months imprisonment.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary.

On January 26, 1956, the Director of the Visa Office, Department of State, submitted a report on this case which is quoted below.

DEPARTMENT OF STATE,
Washington, January 26, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 12, 1956 requesting a report of the facts in the case of Carmen Leokadia Kondrup, the beneficiary of H. R. 8003 which was introduced by Mr. Auchincloss on January 3, 1956.

The files of the Department contain a report dated Setpember 12, 1955 from the Consul General at Munich indicating that Mrs. Kondrup was convicted of perjury by the district court of Augsburg, Germany

on April 2, 1953. She was accordingly refused a visa as a person ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act. There is enclosed a copy of a consular certificate containing a translation of pertinent parts of the court record in the case of Carmen Kellerowsky (Kondrup).

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

[Translation]

PERTINENT PARTS OF THE COURT RECORD IN THE CASE OF KELLEROWSKY, CARMEN, AND OTHERS

In the name of the people

JUDGMENT

The first penal chamber at the District Court at Augsburg finds in the criminal proceedings versus Kellerowsky, Carmen because of perjury, and other charges during the hearing on Thursday, April 2, 1953, which partly took place in camera, at which took part:

1. Landgerichtsdirektor (title) Dr. Derks, as presiding judge,
2. Landgerichtsrat (title) Dr. Haussner Gerichtsassessor (title) Gramel as advisers,
3. Von Stetten, Inge, housewife in Hammel, Vogel, Franz, comfectioner in Hoechstaedt, as members of the jury,
4. District Attorney Fendt as official of the district attorney's office,
5. Employee of Justice Reichert as acting registrar of the office of the court

On the basis of the main trial:

I. The defendant (3) Kellerowsky, Carmen, unmarried, clerk from Augsburg, born November 6, 1926, in Gotowna, Poland, is guilty of one crime of perjury pursuant to sections 154, 157 German criminal code.

II. (3) the defendant Kellerowska, Carmen, is sentenced to a prison term of 6 months,

HELD: The defendant (name deleted) laborer's wife in Augsburg, who had been previously convicted several times, from 1948 to 1950 repeatedly provided against payment different women, who for the most part lived from prostitution, among them the codefendant Kellerowska, with opportunity to practice prostitution in the defendant's flat with different and changing partners.

On New Year 1950 in the middle of the night the defendant (name deleted) gave shelter in the kitchen of her flat to the 26 year old homeless codefendant Carmen Kellerowska and her lover. Kellerowska who came from Poland, and had been previously convicted of violation of occupation forces ordinances, was unknown to the defendant until that time. Kellerowska slept in this room for 6 weeks. During this time the lover of Kellerowska spent the night with her in the kitchen, and the defendant (name deleted) knew and tolerated this.

When the defendant (name deleted) was brought to trial for pandering she caused the defendant Kellerowska, who was a stranger, to make false statements before court and to swear falsely by leading

the defendant Kellerowska to believe, that she herself would be punished if her immoral practices in the flat of (name deleted) were to become known.

During the above mentioned proceedings in which the defendant (name deleted) and her husband were charged with pandering by the county court at Augsburg (Ds 149 a, b/50) the defendant Kellerowska was heard as a witness during the main hearing in camera on November 3, 1950.

The defendant Kellerowska was called to appear: Personal data: Kellerowska, Carmen, 23 years old, unmarried, clerk, Augsburg, Spitalgasse 6. Facts as stated: In 1949 I lived in a small room in the flat of Mrs. (name deleted) for 6 weeks. A little girl of about 4 to 5 years also lived there. The monthly rent amounted to 20 to 30 DM. I admit that my American friend came to see me there three times a week. However we never had intercourse.

My friend always had to be at the barracks at 11 o'clock. He never stayed overnight with me. Now and then he brought candy for Mrs. [name deleted]. In June or July 1949 I left Mrs. [name deleted]. Again in January 1950 I lived with Mrs. [name deleted] for a short while. However, nothing happened on this occasion.

DECISION

Swearing in of the witness Kellerowska is deferred.

Thereafter all witnesses were called and sworn in.

The statements are wrong from an objective point of view. The defendant Kellerowska made a false statement under oath before court on November 3, 1950, from an objective and subjective point of view.

Kellerowska is guilty of a crime of perjury pursuant to sections 154, 157, German Criminal Code.

In considering the penalty to be imposed on the defendant Kellerowska the following circumstances were decisive:

Mitigating circumstances were granted because she had had a hard youth, because contrary to the other women who were also charged with perjury she did not live from the proceeds of prostitution, that as a foreigner she was not sufficiently cognizant of the customs in Germany, that she made a complete confession from the start and had not been previously convicted. In her case the only aggravating instance is only the general order to oppose increasing perjury by severe penalties.

Pursuant to sections 154, 157 this defendant was also to be granted mitigating circumstances. A prison term of 6 months was to be pronounced. Incidental consequences pursuant to section 161, German Criminal Code, were not to be imposed.

(S) Dr. Derks.
(S) Dr. Haussner.
(S) Graml.

For certification:

The Acting Registrar of the Office of the Court,
(S) Reichart, *Employee of Justice.*

[Round seal: Bavarian County Court, Augsburg.]

I, Johanna von Ungelter, being duly sworn, declare that I well and truly know the German and English languages and that the

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foregoing is a true and correct translation of the pertinent parts of a certified copy of the judgment.

JOHANNA VON UNGELTER.

FEDERAL REPUBLIC OF GERMANY,
Land Bavaria, City of Munich,
Consulate General of the United States of America, ss:

Subscribed and sworn to before me this 31st day of August 1955.

[SEAL] JOHN E. MERRIAM,
Vice Consul of the United States of America.

Service No.: ——
Tariff item 38.
No fee prescribed.

SECTION 154, GERMAN CRIMINAL CODE: PERJURY

(1) Whoever before a court or in another quarter proper for the administration of oaths, willfully swears falsehood, shall be punished with Zuchthaus.

(2) Should mitigating circumstances exist the punishment shall be imprisonment for not less than 6 months.

SECTION 157, GERMAN CRIMINAL CODE: STATEMENTS MADE UNDER NECESSITY

(1) Should a witness or expert adviser render himself guilty of perjury, or of a false (solemn) declaration (made) instead of an oath or of a false unsworn statement, the judge may in the exercise of his judicial discretion mitigate the penalty and in the case of a false unsworn statement refrain altogether from punishment, if the offender spoke untruth in order to avert the danger of a judicial punishment of one of his relatives or himself.

(2) The judge can also mitigate the penalty or refrain altogether from punishment, when a person not of age to take an oath has uttered an unsworn falsehood.

FEDERAL REPUBLIC OF GERMANY,
Land Bavaria,
City of Munich,
Consulate General of the United States of America, ss:

I, John E. Merriam, a vice consul of the United States of America at Munich, Germany, duly commissioned and qualified, do hereby certify that the foregoing copy of the English version of the German Criminal Code is a true and faithful photostatic copy of the original this day exhibited to me, the same having been carefully examined and compared with the said original and found to agree therewith word for word and figure for figure.

In witness whereof I have hereunto set my hand and official seal this 31st day of August A. D. 1955.

JOHN E. MERRIAM,
Vice Consul of the United States of America.

Service No. 0354
Tariff item 38.
No fee prescribed.

Mrs. Elisabeth Orf Reynolds—H. R. 8009, by Mr. Brown of Ohio

The beneficiary is a 28-year-old native and citizen of Germany who is the wife of a United States citizen serviceman and the mother of 1 United States citizen child. She is inadmissible to the United States because of convictions in Germany in 1948 of fraud, in 1949 of theft, and in 1951 of embezzlement. She was fined for the first 2 convictions and sentenced to 3 weeks imprisonment for the last offense.

The pertinent facts in this case are contained in a letter dated April 3, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 3, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8009) for the relief of Mrs. Elisabeth Orf Reynolds, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would waive the provision of section 212 (a) (9) of the Immigration and Nationality Act, which excludes from admission into the United States aliens who have been convicted for crimes involving moral turpitude, provided that the alien is otherwise admissible. It would further provide that this exemption shall apply only to a ground for exclusion which was known to the Department of State or the Department of Justice prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. ELISABETH ORF REYNOLDS, BENEFICIARY OF H. R. 8009

Information concerning this case was obtained from Mrs. Lucy McDuffee, who is the mother-in-law of the beneficiary.

Elisabeth Reynolds, nee Orf, is a native and citizen of Germany who was born on February 23, 1928. On June 21, 1955, at Wiesbaden, Germany, she married Lowell Estell Reynolds, a native and citizen of the United States. The couple have one child, Debra Heidi, who was born on July 6, 1955. Mrs. Reynolds and her daughter are dependent for their support upon the earnings of Mr. Reynolds. He is a member of the United States Armed Forces stationed in Germany and receives a salary of $2,150 annually. The beneficiary attended elementary school in Germany and was employed before her marriage as a hairdresser and maid. Her father and a married sister reside in Germany. Her mother is deceased.

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Mr. Reynolds has served in the United States Air Force since April 8, 1951, and is now a staff sergeant. Before his enlistment he attended elementary and secondary schools in Lebanon, Ohio, and was in his second year at Monmouth College, Monmouth, Ill. His father died in 1932. His mother, stepfather and stepbrother live in Los Angeles, Calif. Mr. Reynolds is stationed in Wiesbaden, Germany, and lives with the beneficiary and their daughter in the same city.

The Director of the Visa Office, Department of State, submitted the following report on this case:

DEPARTMENT OF STATE

WASHINGTON

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 12, 1956, requesting a report of the facts in the case of Elisabeth Orf Reynolds, the beneficiary of H. R. 8009 which was introduced by Mr. Brown on January 3, 1956.

The files of the Department contain a report dated March 13, 1956, from the consulate general at Frankfort, Germany, indicating that Mrs. Reynolds was convicted by the district court at Wiesbaden on December 4, 1948, for fraud; on February 1, 1949, for theft, and on September 13, 1951, embezzlement and theft. Copies of translations of the court orders are enclosed in duplicate.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

[Translation]

WIESBADEN, *September 13, 1950.*
Miss Elisabeth Orf
Born on February 23, 1928 W-Kasel,
Wiesbaden-Biebrich
Frankfurter Strasse 47

District court, file No. 8b Cs 16/5

COURT ORDER

The prosecuting authority accuses you of the following offenses committed in several independent actions:

1. Of having illegally acquired movable items not belonging to you which you had in your possession:

(*a*) You have spent against the agreement DM12, which you have received for sold clothing items and did not hand over this amount to the consignor, Elvira Schad;

(*b*) Of having sold bed linen, which was lent to you by Elvira Schad, and to have used the proceeds of the sale by yourself;

2. Of having taken away from another person, Gertrud Mohr, movable items not belonging to you, namely, 4 bed sheets, 1 bed cover, 2 cushions, with the intent to illegally appropriate them.

This represents a violation of paragraph 246, 74 of the German Penal Code.

Evidence: Your admission.

Regarding 1 (*a*) and (*b*), an imprisonment sentence of 5 days and regarding 2 an imprisonment sentence of 2 weeks combined to a total sentence of 3 weeks imprisonment is to be imposed on you.

Furthermore, you have to pay the costs of the proceedings.

This court order becomes effective unless you make an appeal in writing to the below-mentioned district court or have an appeal officially entered by the clerk of the court within 1 week after receipt of this document.

(Illegible).

[Translation]

THE DISTRICT COURT, File No. 8b Cs 184/49

WIESBADEN, *February 1, 1949.*

ELISABETH ORF

COURT ORDER

The prosecuting authority accuses you of having taken away from the widow Maria Moser on September 29, 1948, at Mainz-Kostheim, a movable item not belonging to you, namely, one lady's wrist watch, with the intent to illegally appropriate it.

This represents a violation of paragraph 242, 27b of the German Penal Code.

Evidence: Your admission.

You are sentenced to pay a fine of DM20 in lieu of a forfeited imprisonment sentence of 4 days.

Furthermore, you have to pay the costs of the proceedings.

This court order becomes effective unless you make an appeal in writing to the below mentioned district court or have an appeal entered officially by the clerk of the court within 1 week after receipt of this document.

Fine and costs amounting to DM23.20 are to be paid to the office of the court at Wiesbaden without special notification within 1 week after this court order becomes effective in order to avoid compulsory collection.

(Illegible).

Mr. Brown of Ohio, the author of H. R. 8009, submitted the following letters in support of his bill:

7100TH MAINTENANCE AND SUPPLY GROUP,
APO 633, New York, N. Y., June 30, 1955.

Hon. CLARENCE BROWN,
House of Representatives,
Washington, D. C.

DEAR MR. BROWN: Since you are the Representative from my district in Ohio, I am in great need of your assistance. I married a German national on June 21, 1955, and am unable to obtain a visa for her to enter the United States. The American consul in Frankfurt,

Germany, told me that the only way she could enter the United States is to have a private bill put through Congress. I am appealing to you to have that bill put through Congress for me.

I am a resident of Lebanon, Ohio, and have resided there most of my life. I had resided all my life in Warren County up until I came into the Air Force.

The reason my wife is unable to obtain a visa is due to the fact that she has been convicted by the German courts three times as follows: (1) joint fraud, fined 70 deutschemarks; (2) theft, fined 20 deutschemarks; (3) embezzlement and theft, 3 weeks' imprisonment. The German Government has since given her a clean record. I don't know what the legal term for it is called but the American consul said that the American Government doesn't recognize it. They said it would be in my wife's favor as far as the private bill is concerned, though. I am enclosing a translated copy of the three charges against my wife for your information.

I wish you would expedite it as much as is possible. My wife is expecting a child any day and I don't have too much time left over here. I am scheduled for rotation in September but at present I have requested a 3-months extension which I should be able to get. That would keep me over here until December of this year. I will not be allowed to remain over here any longer without approval from higher headquarters, which is hard to get, because I will have completed the maximum overseas tour of 4 years in December.

Sincerely,

(Signed) LOWELL E. REYNOLDS,
AF15458952, Staff Sergeant.

[Translation from the German]

On 4.12.1948 by AG Wiesbaden—8b Cs 2126/48—for joint fraud based on paragraphs 263, 37 StGB to 70.–DM. fine or 2 weeks imprisonment.

On 1.2.1949 by AG Wiesbaden—8b Cs 184/49—for theft based on paragraphs 242, 27b StGb to 20.–Dm. fine instead of in itself forfeited imprisonment of 4 days.

On 13.9.1950 by AG Wiesbaden—8b Cs 1615/50—for embezzlement and theft based on paragraphs 246, 242, 74 StGB to 3-three-weeks imprisonment.

Nelson Rupert Holland—S. 3098

The beneficiary is a 44-year-old native and citizen of Canada, who presently resides in that country. His first wife died, and on November 15, 1947, he was married in Canada to Margaret Dorothy Craggs, who is a citizen of the United States. The beneficiary was admitted to the United States on March 15, 1947, as a visitor, and on August 27, 1947, he was permitted to depart voluntarily. On January 13, 1955, a nonquota immigrant visa was issued to the beneficiary by the American consul at Vancouver. He was, however, excluded by order of a special inquiry officer on April 12, 1955, after the beneficiary admitted the commission of an act which constitutes the essential elements of forgery, a crime involving moral turpitude. The record discloses that in 1939, the beneficiary stole a check amounting to $11.20 and forged the payee's name, for which he was convicted and served a

3 months' sentence. Without the waiver provided for in the bill, the beneficiary will be unable to join his citizen wife in the United States.

A letter, with attached memorandum, dated May 28, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 28, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3098) for the relief of Nelson Rupert Holland, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Seattle, Wash., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude or aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime and would authorize the alien's admission for permanent residence, if he is otherwise admissible under the act. It would also provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE NELSON RUPERT HOLLAND, BENEFICIARY OF S. 3098

Information concerning this case was obtained from Mrs. Margaret Dorothy Holland, the beneficiary's wife.

Nelson Rupert Holland, a Canadian citizen, was born on June 8, 1912, in Thetford Mines, Quebec, Canada. He married Annie Strachan in Canada on August 25, 1934. This marriage was terminated by the death of Mrs. Holland in August 1947. Four children were born of this marriage: Ross, who is now 20 years old; Joyce, who is now 19 years old; Beverley Ann, who is now 17 years old; and Margaret, who is now 16 years old. These children are citizens of Canada, living at an unknown address in Montreal, Quebec, and are not dependent on the beneficiary for support. The beneficiary married Margaret Dorothy Craggs on November 15, 1947, in Canada. A son, Robert, was born of this marriage at Seattle, Wash., on October 26, 1955.

Mr. Holland presently resides at 1103 Pacific, Vancouver, British Columbia, and is office manager for Laird Distributors. He has had the equivalent of 8 years' schooling in his native country. The beneficiary earns $325 a month. He has no assets. He has two half-brothers and a half-sister residing in Canada.

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The beneficiary was admitted to the United States on March 15, 1947, at Blaine, Wash., as a visitor. Deportation proceedings were instituted against him on April 15, 1947, and on September 19, 1947, an order for his deportation was entered on the grounds that he was an immigrant not in possession of an immigration visa at the time of his entry; that he was not in possession of a passport or document in lieu thereof; and that he admitted the commission and was convicted of a crime involving moral turpitude prior to entry; to wit: simple theft. The conviction for simple theft occurred in Canada in March 1939. Although an order for the beneficiary's deportation was entered on September 19, 1947, the beneficiary was permitted to depart from the United States voluntarily on August 27, 1947, and therefore is not regarded as having been deported at that time.

On January 13, 1955, a nonquota immigrant visa was issued to the beneficiary by the American Consul at Vancouver, British Columbia, after it was found that he was exempt from exclusion under section 4 of Public Law 770, 83d Congress, by reason of his conviction of theft in March 1939. He was, however, excluded by order of a Special Inquiry Officer at Blaine, Wash., on April 12, 1955, after he admitted the commission of an act which constitutes the essential elements of forgery, a crime involving moral turpitude. His appeal from the order of exclusion was dismissed by the Board of Immigration Appeals on August 26, 1955. The beneficiary was also convicted of 2 offenses of trespassing on June 18, 1932, at Sarnia, Ontario, Canada, at which time he received sentences of 1 month and 2 months to run consecutively.

On October 21, 1955, authorization was issued by this Service permitting the beneficiary to enter the United States as a temporary visitor for a period of 1 year, with no single visit to exceed 1 week. On December 5, 1955, he was granted permission to reapply for admission to the United States within 1 year from the date of his exclusion.

Margaret Dorothy Holland, a native of Canada and citizen of the United States, was born December 20, 1925. She is not employed outside of the home. Her assets consist of a $300 savings account and $500 in personal effects. She and their son, who reside at 1731 East 88th, Seattle, Wash., are wholly dependent on the beneficiary for support.

Senator Henry M. Jackson, the author of the bill, submitted the following letters in support of the bill:

UNITED STATES SENATE,
COMMITTEE ON ARMED SERVICES,
June 5, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Immigration Subcommittee,
Senate Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR EASTLAND: I am writing on behalf of private immigration legislation for the relief of Mr. Nelson Rupert Holland, S. 3098 which I introduced.

Mr. Holland is a citizen of Canada who was denied admission into this country with his citizen wife and citizen child March 17, 1955, at Blaine, Wash., as a nonquota immigrant because of a crime involving moral turpitude in 1939.

At that time he stole a check amounting to $11.20 and forged the payee's name. He was convicted on both counts and served a 3-month sentence at hard labor for it.

Later that year he volunteered for the Canadian Army and was shipped overseas where he served in the United Kingdom and in combat in France and Germany. He was honorably discharged as a sergeant in January 1946.

Since that time his conduct has been honorable as attested by the enclosed letters from friends in Seattle and Vancouver, British Columbia.

I feel that this case merits every proper consideration, that Mr. Holland has paid his debt to society. Although he has been married more than 8 years, the only family life he and his wife have been able to maintain together has been on vacations and weekends. I am certain that the meaning of our law and the lesson he has learned from it as well as how much his crime has denied him a normal life can be construed as his repentance.

Should further information be needed, please do not hesitate to let me know.

Sincerely yours,

HENRY M. JACKSON,
United States Senator.

JANUARY 5, 1956.

Re Mr. Nelson Holland

To Whom It May Concern:

This is to certify that I have personally known the above party for a period of 8 years and have always found him sincere and trustworthy.

Any further information requested to facilitate your dealings with Mr. Holland will be supplied on request.

Yours truly,

C. E. DAVIDSON,
Accountant, The Toronto-Dominion Bank, Burrard and Robson Streets Branch, Vancouver, British Columbia.

SEATTLE POST-INTELLIGENCER,
SPORTS DEPARTMENT,
December 20, 1955.

Hon. HENRY J. JACKSON,
United States Senator,
Washington State.

MY DEAR SENATOR: Aware of your human interest in people especially families of our great State may we be privileged to say a world on behalf of Mrs. Nelson Rupert Holland whose husband for some time has been legally trying to establish his residency with his wife and now a few week's old baby boy, in Seattle.

I have known Mr. Holland for close to 5 years in visits made across to Vancouver, British Columbia and his visits to this side. In my opinion he's a solid and conscientiuos husband and if permitted to

live in our city will undoubtedly become a credit to the local community in which he and his resides.

My association with the Canadian gentleman has been mostly in connection with the great nuiversal game of soccer football. His interest in developing the youth along clean sporting lines is well known in his present locale up north. We need more individual's like him in our youngsters program which includes CYO and junior leagues.

Honorably discharged from the Canadian Army, Mr. Holland knows what democracy means and in our opinion will give his all to uphold it in our country that has been a haven for those willing to toil for and fight for the better things in life.

Very truly yours,

GEORGE (BARNEY) KEMPTON,
Junior Soccer Commissioner WSSFA and Soccer Writer of Seattle Post-Intelligencer.

E. TOMLIN BAILEY,
American Consul General.

Anna Maria Beck—H. R. 3835, by Mr. Baker

The beneficiary is a 28-year-old native and citizen of Germany who is the fiance of a United States citizen serviceman. She has been found inadmissible to the United States because of convictions of theft on 2 occasions, and was fined 150 marks.

The pertinent facts in this case are contained in a letter dated May 20, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 20, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 3835) for the relief of Anna Maria Beck, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the El Paso, Tex., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, and would grant the beneficiary admission as a nonimmigrant temporary visitor for a period of 3 months, provided she is found by the administrative authorities to be coming to the United States with a bona fide intention of being married to Robert J. Stephens, a citizen of the United States. The bill would also grant her permanent residence in the United States as of the date of the payment by her of the required visa fee in the event that her marriage to Robert J. Stephens occurs within 3 months after her entry; otherwise, should her marriage to Robert J. Stephens not occur within 3 months after her entry, she shall be required to depart from the United States and upon failure to so so shall be deported in accordance with the provisions of the Immigration and Nationality Act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING ANNA MARIA BECK, BENEFICIARY OF H. R. 3835

The beneficiary is single, female, a native and citizen of Germany, and was born January 20, 1928, at Westmark No. 4, Karlsruhe, Darluch-Aue, Germany, where she resides with her parents, Robert and Frieda Beck, and two sisters, Friedel and Christa. Her education consists of 8 years elementary school, 1 year professional school, and 1 year housekeeping school. She is unemployed.

The beneficiary has never entered the United States. She was convicted in Amtsgericht (District) Court, Karlsruhe, Germany on November 22, 1948 of the crime of theft under paragraph 242 of the German penal code, "Taking of radio equipment on two occasions," in amount of 400 marks ($95.24) and fined 150 marks. No prison sentence was imposed.

Information concerning the case was obtained from the sponsor, Sfc. Robert J. Stephens, now stationed at Fort Bliss, Tex. He is single and was born August 31, 1920, in Corryton, Tenn., and is the fiance of the beneficiary. He has been a member of the United States Army since 1942. He owns no property. His only income is his salary of $240 a month. He has no one dependent upon him for support.

The Director of the Visa Office, Department of State, submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,
Washington, June 14, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Anna Maria Beck, beneficiary of H. R. 3835, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated March 29, 1955, from the American Consulate General at Frankfort, Germany.

At this time the Department has no knowledge of any factor in Miss Beck's case, other than the information hereinbefore cited, which would have rendered her ineligible to receive a nonimmigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Miss Beck from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

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OPERATIONS MEMORANDUM

MARCH 29, 1955.

To: Department of State (for Visa Office).
From: Amconsul Frankfort, Germany.
Subject: Visas: Immigrant visa case of Anna M. Beck.
Reference: Department's OMV No. 582 of March 16, 1955.

A marriage application submitted to the Consulate General by Headquarters, 1st Infantry Division, APO 1, United States Army, on behalf of Miss Anna Maria Beck, the fiance of Sfc. Robert J. Stephens, was received here on December 29, 1952. It was returned to the interested military Headquarters on February 5, 1953, with the notation that inasmuch as Miss Beck had been convicted on November 22, 1948, by the district court in Karlsruhe of theft under paragraph 242 of the German penal code, she would be mandatorily excludable from the United States under section 212 (a) (9) of the Immigration and Nationality Act, should she apply for a visa.

The Honorable Howard H. Baker, House of Representatives, was given a full status report on July 7, 1953.

There had been no further action taken on Miss Beck's marriage application until the Department's referenced OMV was received here on March 21, 1955. Her dossier was reviewed accordingly, and it was determined that her previous inadmissibility may be removed by section 4 of Public Law 770.

Apart from notifying Miss Beck of this new status, the Consulate General contemplates taking no further action in this case until she either applies for a visa, or her fiance's military Headquarters resubmits a marriage dossier.

Annemarie Moeller—H. R. 5761, by Mr. H. Carl Andersen

The beneficiary is a 29-year-old native and citizen of Germany who is the fiance of a United States citizen, a former serviceman. She has been found inadmissible to the United States because of a conviction in 1952 of aiding in an attempted abortion and was sentenced to 3 weeks imprisonment.

The pertinent facts in this case are contained in a letter dated July 26, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 26, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5761) for the relief of Annemarie Moeller, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by

the Omaha, Nebr., office of this Service, which has custody of those files.

The bill is intended to authorize the admission of the beneficiary into the United States for a period of 3 months as a nonimmigrant temporary visitor provided she is coming to the United States with the intention of marrying Mr. Charles Klinkhammer; and would exempt the beneficiary from the provisions of the Immigration and Nationality Act relating to the exclusion of aliens who have been convicted of crimes involving moral turpitude, provided she is otherwise admissible under the immigration laws. The bill further provides that if the marriage occurs within 3 months following her entry into the United States, the beneficiary shall be granted permanent residence in the United States as of the date of the payment of the required visa fee, with the proviso that if the marriage does not occur within 3 months the beneficiary shall be required to depart from the United States.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANNEMARIE MOELLER, BENEFICIARY OF H. R. 5761

Information concerning the beneficiary was furnished by Mr. Charles Klinkhammer, who is her fiance and the sponsor of the bill.

The beneficiary, Annemarie Moeller, a native and citizen of Germany, was born on March 2, 1927. She has never been married. She presently resides at Albanus Street No. 10, Nochst, Frankfurt A/M, Germany, where she is employed as a clerk by the United States Quartermaster Corps at a salary of $90 per month. She completed high-school in Germany. She has no assets. Her father is deceased. Her mother and two sisters reside in Germany.

The beneficiary has never been in the United States. According to the sponsor, she was convicted in Germany in 1954 for assisting in the performance of an abortion and received a suspended sentence. For this reason she was refused an immigrant visa by the American Consul at Frankfurt, Germany. The committee may wish to make inquiry of the Visa Office of the Department of State for further information in this connection.

The sponsor was born in Adrian, Minn., on December 30, 1929. He served in the United States Army from January 11, 1952, until his honorable discharge on December 15, 1953. He is presently employed by a storage company in Sibley, Iowa, where he resides, at a salary of $40 per week. No one is dependent upon him for support. It is his intention to marry the beneficiary if she is permitted to enter the United States.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below:

DEPARTMENT OF STATE,
Washington, November 21, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of April 25, 1955, and its enclosures, wherein you requested a report of the facts in the case of Miss Annemarie Moeller, beneficiary of H. R. 5761, 84th Congress, 1st session.

A report recently received from the American consulate general at Frankfort, Germany, states that the subject alien was informally refused a visa at that office on April 6, 1954, because of a conviction on July 14, 1952, by the jury court at Frankfort for aiding in an attempted abortion. She was given a sentence of 3 weeks.

From the information cited above, it would appear that Miss Moeller would be ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Miss Moeller's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Helen Hranisavljevic—H. R. 6756, by Mr. Fulton

The beneficiary is a 31-year-old native of Germany who is the fiance of a United States citizen serviceman. She has been found inadmissible to the United States because of two convictions for theft in Germany in 1947 and in 1948.

The pertinent facts in this case are contained in a letter dated December 16, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 16, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6756) for the relief of Mrs. Helen Hranisavljevic, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Providence, R. I., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or admit committing acts which constitute the essential elements of such a crime, and would authorize her admission to the United States for

permanent residence if she is found otherwise admissible under such act. It would further provide that this exemption shall apply only to a ground for exclusion of which the Department of State or Department of Justice had knowledge prior to enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. HELEN HRANISAVLJEVIC, BENEFICIARY OF H. R. 6756

Information concerning the case was obtained from the sponsor fiance, Mr. James Yecko, a United States citizen, whose home address is Rural Free Delivery No. 1, Coraopolis, Pa.

Helen Hranisavljevic, nee Wollmann, a native of Germany, now stateless, was born on December 3, 1922, in Dusseldorf. It is alleged she lost her German citizenship by her marriage to Mr. Hranisavljevic whose nationality and first name is unknown to this Service. She obtained a divorce from her husband in 1949 in Hamburg, Germany. There were no children born of her marriage but she has a son, Harold James Wollmann, now 3½ years of age, born in Germany out of wedlock. She resides with her son on Twischkamp Street, Bremerhaven, Germany. She is unemployed and she and her child are entirely dependent upon Mr. Yecko who has made an allotment of $100 monthly to her out of his naval pay. She received the equivalent of a junior high school education and is a skilled dressmaker and sewer. She has always resided in Germany. Other than her son, her only near relative abroad is a cousin. She has no near relatives in the United States.

The beneficiary applied for an immigrant visa at the office of the American consulate at Hamburg, Germany, early in 1955. She was found ineligible to receive a visa because she was convicted of theft of ration cards in Germany in 1946 and in 1947. The record of her convictions was deleted from her police record by the German authorities and she was informed at the American consulate that this did not thereby render her eligible for a visa.

James Yecko was born in Coraopolis, Pa., on October 21, 1927. He has never been married. He enlisted in the United States Navy on January 2, 1949, and has served in the navy continuously since that time. He is presently serving on the U. S. S. *Ware*, a destroyer, whose home station is Newport, R. I. Mr. Yecko has the rating of DC–2 and has received a good-conduct medal. He completed the 11th grade of public school in Pennsylvania. He receives approximately $2,600 a year as naval pay and this is his only income. He has no assets other than his personal possessions.

While stationed abroad in the United States Navy in Germany, Mr. Yecko became engaged to the beneficiary. After the return of his ship to the United States, he requested leave to return to Germany to marry her but was not granted

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permission to do so. It is his intention to marry the beneficiary if she is admitted to the United States. He does not know the paternity of his fiance's child. It is also his wish to have the beneficiary's child come to this country and to adopt the child after his marriage.

Mr. Yecko is the person primarily interested in the bill.

The Director of the Visa Office, Department of State, submitted the below-quoted report on this case.

DEPARTMENT OF STATE,
Washington, July 28, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of June 22, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Helen Hranisavljevic, beneficiary of H. R. 6756, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Hamburg, Germany, states that Mrs. Hranisavljevic was informally refused an immigrant visa at that office under section 212 (a) (9) of the Immigration and Nationality Act because she was convicted of theft by the Rostock district court on March 18, 1947, and again on March 2, 1948, a crime which has been held to involve moral turpitude.

It has been determined that since Mrs. Hranisavljevic was convicted of more than one offense involving moral turpitude, she would not be eligible for relief under the provisions of section 4 of Public Law 770, 83d Congress, 2d session.

At this time the Department has no knowledge of any factor in Mrs. Hranisavljevic's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Fulton, the author of H. R. 6756, submitted the following letter and citations in support of his bill:

CORAOPOLIS, PA., *January 20, 1956.*

DEAR MR. FULTON: In reference to a letter you sent my son December 30 about Mrs. Helen Hranisavljevic and H. R. 6756, a private bill to bring her to the United States. My son is now in Spain and asked me to call you (which I did) or see you in person. James (my son) went to the immigration office in Norfolk, Va. So about 2 weeks later there was a man from the immigration office came to our home. He was looking up the places my son worked before he went in the Navy. He was a pleasant person, he looked our place over and asked if we were willing to give her a home, it seems my son told them she was going to stay with us until he could make a home for her. The immigration man told us this bill was the one sure way to bring her over. He also said, as far as his report went

she would get over. He wasn't looking our reputation up; it seems we had already been investigated. He told us we had an excellent reputation. Our home consists of 7 acres of ground, 6 rooms and a bath: three bedrooms, living room, dining room kitchen, and bathroom. Plenty of room to have Helen and the boy also a nice big place to play for the boy.

Maybe this will help some; on November 12, 1955, my son received a citation for diving. It seems the ships (a fleet of 10) were refueling at sea when the lines broke and were tangled around the screws. My son volunteered to dive and free the lines. I am sending a copy of the citation also a picture of him when he came up the last time. He went from one ship to the other by high line not many in the Navy get to do this. I would like to have the citation and picture also the other paper sent back to me to keep.

We want to thank you for everything you have done. I pray every night this bill will go through. My son has been trying for 5 years now and this is the last resort.

Thank you again. I know our family will never forget what you have done for us.

Sincerely,

(Signed) Mrs. JAMES YECKO.

U. S. S. "CHARLES R. WARE" (DD-865)

Care of Fleet Post Office, New York City, N. Y.

BARCELONA, SPAIN,
January 12, 1956.

DEAR MR. FULTON: I received your letter today. I haven't wrote sooner because I thought there was nothing more I could say or do until Congress went in session in January. The only things that happened since the last time I wrote to you were—a fellow from the Immigration Department went to my Mom and Dad at home. He questioned them about me and what my intentions were. Also asked them questions about themself. If they approved of me marrying a German girl and if they wanted her to come to the States. Before he left he said he was going to turn in a good report and that after he turned in his report it would be just a matter of time and formality until she did come over.

I believe this was some time in July. I also got called to the Immigration and Naturalization officer in Providence, R. I. He asked me all about Helen. About everything I have told you. Also if Mom and Dad knew I was trying to get her to the States. He didn't say what kind of a report he was going to make and I didn't ask him. I never got called back again. I thought you would know about that. That is why I never wrote. We are overseas now and don't get back to the States until the 1st of March. I wish you would please keep me informed on the progress of the bill.

JAMES YECKO.

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DESTROYER FORCE, UNITED STATES ATLANTIC FLEET

ORDER OF THE SALTY HIGHLANDERS

Be it known by all these presents that James (n) Yecko, DC2, USN successfully and with suave (nay, foolish!) intrepidity did transfer by Highline from U. S. S. *Chuckawan* (AO–100) to U. S. S. *C. R. Ware* (DD–865) at sea, latitude 3934.8 N. longitude 2000.0 W. on this 12th day of November, in the year of our Lord 1955. And by the power vested in me, I do solemnly appoint him to the rank of Highliner, second class, whereas having braved the briny deep, aged and frayed highlines, captain's disinterested attitudes, helmsmen's doubtful courses, and bosun's final farewell, he negotiated the perilous transfer for the first time.

Done this 12th day of November 1955.

Aboard. U. S. S. *Charles R. Ware* (DD–865).

JOHN C. FISHER, *Commanding Officer.*

NOVEMBER 26, 1955.

From: Commanding Officer, U. S. S. *Charles R. Ware* (DD–865).
To: Yecko, James (N.), 3652360, DC2, USN.
Subject: Commendation; letter for.

1. The commanding officer of the U. S. S. *Charles R. Ware* (DD–865) takes pleasure in commending James Yecko, 3652360, DC2, United States Navy, for service as set forth in the following:

CITATION

On November 12, 1955, while attached to this ship, a unit of task group enroute from Newport, R. I., to European waters, you volunteered for diving and cutting operations to free the U. S. S. *Rowe* (DD–564) and U. S. S. *Chukawan* (AO–100) from wire cables, fueling hose, and manila line which had fouled their propellers and shafts. Your efforts and skill in this endeavor resulted in rapid clearing of the propellers and shafts, and a minimum delay of the task group. By your action you upheld the high traditions of the United States Naval Service.

JOHN C. FISHER.

Marguerita Willer—H. R. 2696, by Mr. Betts

The beneficiary is a 25-year-old native and citizen of Germany who is the fiance of a United States citizen, a former serviceman. She has been refused a visa under the provision of section 212 (a) (12) of the Immigration and Nationality Act.

Certain pertinent facts in this case are contained in a letter dated July 18, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 18, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 2696) for the relief of Marguerita Willer, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Columbus, Ohio, office of this Service, which has custody of those files.

The bill would provide that notwithstanding the provisions of the Immigration and Nationality Act, which exclude from admission persons who have been convicted of or admit the commission of a crime involving moral turpitude, the beneficiary shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months, provided the administrative authorities find that she is coming to the United States with the intention of being married to Mr. Donald E. Butz, a citizen of the United States. The bill further provides that in the event the marriage takes place within 3 months after the beneficiary enters the United States, that a record of her lawful admission for permanent residence may be created upon payment of the required visa fee. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARGUERITA WILLER, BENEFICIARY OF H. R. 2696

Information concerning the beneficiary has been furnished by her fiance, Donald E. Butz, a citizen of the United States.

Marguerita Willer, a native and citizen of Germany, was born on October 26, 1930. She is single and resides with her parents, Joseph and Anna Willer, at Ackerstrasse 3-0, Munich, Germany. Miss Willer has an elementary school education, and is unemployed. From April 1953 to November 1954, she was employed as a clerk by the United States Air Force at Bitburg, Germany.

Donald E. Butz was born on May 6, 1928, at Marion, Ohio. He served as a member of the United States Air Force from November 1950 until November 20, 1954, when he was honorably discharged with the rank of staff sergeant. He operates a 105-acre farm near Caledonia, Ohio, which is valued at $12,000, and which will be deeded to him by his parents when he marries. Mr. Butz owns live stock and equipment valued at $5,900 and has cash assets of $1,500.

Mr. Butz has testified that he met the beneficiary while she was employed by the United States Air Force. He further

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testified that she was refused a visa by the United States consul at Frankfort, Germany, during 1954.

The committee may desire to consult with the Visa Division of the Department of State regarding the denied visa.

The Director of the Visa Office, Department of State, supplied the committee with additional information in reference to this case in a letter dated July 11, 1955, which is quoted below:

DEPARTMENT OF STATE,
Washington, July 11, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 11, 1955, and its enclosures, wherein you requested a report of the facts in the case of Miss Marguerita Willer, beneficiary of H. R. 2696, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Frankfort on the Main, Germany, states that the files of that office reveal information which would render Miss Willer ineligible to receive a visa under section 212 (a) (12) of the Immigration and Nationality Act, in that she submitted to prostitution, under the direction of her mother, with members of the United States Armed Forces.

There does not appear to be any information in the files which would indicate Miss Willer is also ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Miss Willer's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Betts submitted the following affidavit made by the United States citizen fiance of the beneficiary of this legislation:

AFFIDAVIT

STATE OF OHIO,
Marion County, ss:

Before me, a notary public, in and for the State of Ohio, appeared the undersigned, Donald E. Butz, who being by me first duly sworn, deposes and says that he has again been in the United States of America about 14 months since his discharge from the United States Air Corps; that he presently is engaged in farming and is also acting as a substitute rural mail carrier out of the United States post office at Caledonia, Ohio; that he has continually corresponded with Marguerita Willer, to whom he was engaged while serving with the Air Corps in Germany; that he is still engaged to marry her and intends to do so as soon as she is able to come to this country.

DONALD E. BUTZ.

Sworn to before me and subscribed in my presence, this 18th day of January 1956.

[SEAL] BERNARD C. MOLONEY,
Notary Public, State of Ohio.

My commission expires January 7, 1958.

Emma Basili Osorowitz—H. R. 6235, by Mr. Fine

The beneficiary is a 28-year-old native and citizen of Italy who is the wife of a United States citizen, a former serviceman. She has been found inadmissible to the United States under the provision of section 212 (a) (12) of the Immigration and Nationality Act.

The pertinent facts in this case are contained in a letter dated August 9, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 9, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6235) for the relief of Emma Basili Osorowitz, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (12) of the Immigration and Nationality Act, which excludes from admission into the United States aliens who have engaged in prostitution, and would grant the alien permanent residence, if she is found to be otherwise admissible under the provisions of that act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EMMA BASILI OSOROWITZ, BENEFICIARY OF H. R. 6235

Information concerning the beneficiary was furnished by her husband, Ernest Osorowitz, who resides at 1711 Davidson Avenue, Bronx, N. Y.

The beneficiary, Emma Osorowitz, nee Basili, is a native citizen and resident of Italy, who was born on February 13, 1928. She has the equivalent of a high school education. She is employed as a nightclub hostess in Rome, Italy, and earns approximately $45 per week. Her assets consist of $1,000 in savings and personal property valued at about $1,500.

The beneficiary has never been in the United States. She has no relatives in this country other than her husband. Her father, two sisters, and a brother reside in Italy.

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Ernest Osorowitz was born on March 1, 1930, in New York, N. Y., and is a citizen of the United States. He served in the United States Army from July 12, 1951, to June 12, 1953, when he was honorably discharged as a corporal. He was stationed in Trieste for 18 months. During his stay there he met the beneficiary and became engaged to her in July 1952. Upon his discharge from the service, he returned to Italy and married her on November 25, 1953.

According to Mr. Osorowitz, the beneficiary received a 1-month sentence in 1950 in Rome, Italy, for violation of an Italian law, namely failing to return to her hometown after having been ordered to do so by the police. He stated that because of this criminal record the beneficiary was denied an immigrant visa by the American consul at Naples, Italy.

Mr. Osorowitz was graduated from Long Island University in June 1951, with the degree of bachelor of science in accounting. He is employed as a junior accountant by Wilbur-Rogers Stores, Inc., 475 10th Avenue, New York, N. Y., and earns $65 per week. His assets consist of $3,000 in a savings account and personal effects valued at approximately $1,500.

On May 17, 1955, the Honorable Sidney Fine, a Member of Congress during the 1st session of the 84th Congress, submitted the following statement from the husband of the beneficiary of this legislation:

STATEMENT BY ERNEST OSOROWITZ

While stationed with the Armed Forces of the United States in Trieste, Italy, I met Miss Emy Basili, and fell in love with her. Later I applied to the Army for permission to get married. This permission was subsequently not granted on the basis of an investigation the Army had conducted. Seeing the files, I noticed many errors in the Army's investigation and corresponded with Congressman Javits and explained the situation to him. In the interim I was returned to the United States and was discharged from the Army. I then returned to Italy as a civilian and applied for permission for marriage with the American Embassy in Italy, which was immediately granted. Before getting married I spoke to the vice consul and the consulate general of the American Embassy in Rome to find out if after our marriage I would be able to bring my wife to the United States. The only advice given to me was that I could find out after getting married. On November 25, 1953, I was married and applied for a visa for my wife. The visa was not granted on the grounds of moral turpitude.

An investigation of the records revealed the following facts: In 1945 Miss Basili (my wife) was apprehended for morality reasons and given a foglio de via (art. 157). In 1950 Miss Basili was arrested for contempt of article 157 of the Public Security Act and for article 163, and was sentenced to 1 month in prison. * * * Briefly, article 157 provides that any person, outside their community, arousing suspicion as to their moral conduct or means of support, is liable to com-

pulsion to their hometown. Article 163 provides that persons so expelled must take the shortest route to their home community as indicated by police authority and must not return without express permission of the police of that city. * * *

These facts are on police record, but in order to facilitate matters I shall try to explain in detail what actually happened. In 1945 when my wife was only 17 years of age, and working as a salesgirl, she was approached by an Italian policeman and propositioned by him. When she rebuffed him and walked away he resorted to vulgar language and my wife struck him with her pocketbook. Whereupon he took her to the police station saying that he was suspicious of her morality. She stayed there for a few hours and was then released. The police had her case tried in absentia and she received a foglio de via. In 1950 the police questioned her and wanted to know why she did not leave the city. My wife explained that she never received the foglio de via. She was then sentenced to 1 month in jail for contempt of the foglio de via. When she was released she submitted a petition to the ministery of Interiorto and returned to Rome and the foglio de via was repealed. * * * After the war in Italy many people in small towns were migrating to the larger cities. In the larger cities jobs were scarce and the poeple of these cities resented all foreigners that were migrating to the cities making jobs harder to obtain. In the years following the war foglios de via were issued very freely. * * * Since that time my wife has received amnesty by the Italian Government, giving her a clear police record. Also she was given a good-conduct certificate, and was issued a passport that is good in most countries of the world. As far as the Italian authorities are concerned my wife is an excellent citizen and they know of no reason why she should not be able to obtain a visa for any country in the world.

Hildegard Savner—H. R. 6985, by Mr. Flood

The beneficiary is a 27-year-old native and citizen of Austria who is the wife of a citizen of the United States, a former serviceman. She has been found inadmissible to the United States because of convictions on two occasions for separate crimes of theft, and also under the provision of section 212 (a) (12) of the Immigration and Nationality Act.

Certain pertinent facts in this case are contained in a letter dated June 25, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 8550) pending during the 83d Congress for the relief of the same person. That letter and accompanying memorandum read as follows:

JUNE 25, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8550) for the

relief of Mrs. Hildegard Savner, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Wilkes-Barre, Pa. office of this Service which has custody of this file.

The bill would waive the provisions of section 212 (a) (9) of the Immigration and Nationality Act, which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude (other than a purely political offense) or aliens who admit having committed such a crime or aliens who admit committing acts which constitute the essential elements of such a crime. Further the bill provides that, if she is found to be otherwise admissible under the provisions of that act, she may be admitted to the United States for permanent residence. The bill also provides that the exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice have knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HILDEGARD SAVNER, BENEFICIARY OF H. R. 8550

The beneficiary, Mrs. Hildegard Savner, nee Hildegard Margareta Bartalszky, is a native and citizen of Austria. She was born at Wien (Vienna), Austria, on March 31, 1929, and is residing with her mother, Theresa Bartalszky, at Second Bez, Am Tabor, 14–2–15, Vienna, Austria. Mrs. Savner has never been in the United States.

Mrs. Savner applied for an immigration visa from United States consul, Vienna, Austria, but the application was denied in July 1953 on the ground that she had committed a crime involving moral turpitude. According to the sponsor, in 1948, she accepted half of 800 schillings which a girl friend had stolen from her place of employment in Vienna, Austria. Both were apprehended, and as Mrs. Savner was the eldest, she took the blame, was tried and convicted (presumably for theft) and served a jail sentence of 3 months.

Leon Savner is not certain, but he believes Mrs. Savner completed elementary school in Wien, Austria, and World War II probably interrupted further education. She belonged to no organizations. She was employed as a laundress by United States Army at Vienna, Austria, 1945–46, and in 1948 as a clerk, type of business not known, in Vienna, Austria. Her father is deceased and her mother and several brothers and sisters reside in or near Vienna, Austria. Mrs. Savner, her two children, and her mother are supported entirely by Leon Savner.

Mrs. Savner was married to Leon Savner, a native and citizen of United States and former member of United States Army, on August 10, 1953, at Wien, Austria, by civil and religious cermonies. Original certificates of marriage are on file in the Veterans' Administration, Wilkes-Barre, Pa.

Mrs. Savner is the mother of two daughters—Loretta, born February 14, 1951, at Wells, Austria, and Regina, born November 10, 1952, at Vienna, Austria. Regina is the child of Leon Savner and he has made application to adopt Loretta. Regina was born with club feet and is undergoing a series of corrective operations in Vienna, Austria.

Leon Savner was born at Wilkes-Barre, Pa., on October 20, 1931, completed 10th grade in the public schools, and was inducted into the United States Army, March 13, 1950. After completion of basic training, he was stationed overseas at Salsburg, Austria. He served with the 350th Infantry Regiment 88th Division, highest rank held was that of corporal and was honorably discharged on September 12, 1952. His occupation is auto or truck mechanic and is presently employed, part-time, on the night shift of a shoe factory as an operator (sewing machine) and receives approximately $45 per week. He is attending a beautician school in Wilkes-Barre, Pa. 5 days a week under the GI bill of rights and receives $160 per month from the Veterans' Administration.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below:

DEPARTMENT OF STATE,
Washington, October 17, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to H. R. 6985, 84th Congress, 1st session, which was introduced by Congressman Daniel J. Flood of Pennsylvania, in behalf of Mrs. Hildegard Savner.

In view of the alien's police record submitted by Congressman Flood's office and in view of a report recently received from the American Consulate General at Munich, Germany, it appears that there is sufficient basis to warrant a finding that the alien would be ineligible to receive a visa under section 212 (a) (12) as well as section 212 (a) (9) of the Immigration and Nationality Act.

The committee should be apprised of the fact that H. R. 6985, 84th Congress, 1st session, does not afford relief for Mrs. Savner under section 212 (a) (12) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Mrs. Savner's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

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Mr. Flood, the author of H. R. 6985, submitted the following letters and statements in support of his bill:

OCTOBER 17, 1955.

Hon. DANIEL J. FLOOD,
House of Representatives.

DEAR MR. FLOOD: Reference is made to your letter of July 28, 1955, and its enclosures, wherein you requested a report from the American Consulate General at Munich, Germany, on whether section 4 of Public Law 770, 83d Congress, was applicable to the case of Mrs. Hildegard Savner, beneficiary of H. R. 6985, 84th Congress, 1st session.

In view of the police records submitted by your office for the above-named alien, and in view of a report recently received from the American Consulate General at Munich, Germany, it appears that there is sufficient basis to warrant a finding that the alien would be ineligible to receive a visa under section 212 (a) (12) as well as section 212 (a) (9) of the Immigration and Nationality Act. Therefore, section 4 of Public Law 770 would not be applicable to this case.

It should also be pointed out that H. R. 6985, 84th Congress, 1st session, does not afford relief for Mrs. Savner under section 212 (a) (12) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Mrs. Savner's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

DEPARTMENT OF STATE,
Washington, December 22, 1955.

Hon. DANIEL J. FLOOD,
House of Representatives.

DEAR MR. FLOOD: I refer to your interest in the immigrant visa application of Mrs. Hildegard Savner, presently residing in Austria.

A communication has been received from the American Embassy at Vienna stating that the records of that office reveal that Mrs. Savner has been convicted on two occasions for separate crimes of theft, in violation of sections 171 and 460 of the Austrian penal code. Section 212 (a) (9) of the Immigration and Nationality Act renders ineligible to receive visas and excludable from the United States persons who have been convicted of or admit having committed a crime involving moral turpitude. Theft has been held to involve moral turpitude within the meaning of the provision of law cited.

Section 4 of Public Law 770, 83d Congress, provides relief for certain aliens who have been refused visas under section 212 (a) (9) of the Immigration and Nationality Act. However, Public Law 770 provides relief for those aliens who have committed only one offense involving moral turpitude. Since Mrs. Savner was convicted twice

for the crime of theft, her case does not fall within the purview of section 4 of Public Law 770.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

WILKES-BARRE, PA., *May 14, 1956.*

To Whom It May Concern:

I have known Mr. Leon Savner for may years and he has always been a good citizen of the community, he is a man of good character and reliability.

Sincerely yours,

JOSEPH M. REVIT,
Social Worker.

ST. JOSEPH'S CHURCH,
Wilkes-Barre, Pa., May 14, 1956.

To Whom It May Concern:

The Franciscan Fathers assigned and working here in St. Joseph's Catholic Church have known Leon Savner and his family over a number of years. They can bear witness to the good qualities of the young man even before he entered the 3 years of his honorable military service. We can assure you that we believe him to be a very patriotic American citizen as shown by his standing in this community. He comes from a very fine family and we are certain that they will cooperate in every way with the required care of those displaced persons whom he desires to come to the States as their new home. We are pleased to be able to give such a good character reference to one of our own fine young men of this parish.

Sincerely,

REV. VALERIAN DE ROME, O. F. M.

Pasquale Andriola—H. R. 3623, by Mr. Delaney

The beneficiary is a 24-year-old native and citizen of Italy who is married to a citizen of the United States. He was admitted to the United States upon the presentation of a United States passport issued to him in the name of his deceased cousin which was fraudulently obtained. After the Immigration and Naturalization Service discovered the fraud he was permitted to depart from the United States voluntarily. He is inadmissible to the United States under the provisions of section 212 (a) (19) of the Immigration and Nationality Act, because of the circumstances under which he gained admission to the United States, and under the provision of section 212 (a) (9) of the said act, concerning the inadmissibility of aliens who have committed a crime involving moral turpitude, to wit, perjury. The beneficiary and his wife are the parents of one United States citizen child.

The pertinent facts in this case are contained in a letter dated January 3, 1955, to the then chairman of the Committee on the Judiciary from the Commissioner of Immigration and Naturalization, regarding a bill (H. R. 9891) pending during the 83d Congress for the

relief of the same person. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
January 3, 1955.

Hon. CHAUNCY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9891) for the relief of Pasquale Andriola, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y. office of this Service, which has custody of these files.

The bill would authorize the alien's admission into the United States for permanent residence, notwithstanding the provisions of section 212 (a) (19) of the Immigration and Nationality Act, which excludes from admission into the United States aliens who have procured a visa by fraud or willful misrepresentation of a material fact, if he is found to be otherwise admissible under the provisions of that act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PASQUALE ANDRIOLA, BENEFICIARY OF H. R. 9891

The beneficiary, Pasquale Andriola, born on November 12, 1931, is a native and citizen of Italy. He entered the United States at New York, N. Y., on April 25, 1949, with a United States passport issued at Naples, Italy, fraudulently obtained in the name of his deceased cousin, Pasquale Andriola, who died on June 26, 1943. In August 1953, this Service learned of the fraud. However, efforts to locate the beneficiary were unsuccessful. During the course of the investigation it was determined that the beneficiary had departed from Canada in the early part of 1953 again using the aforementioned passport. On May 3, 1954, he was taken into custody by the Canadian immigration authorities and thereafter was granted voluntary departure. He departed to Italy from New York, N. Y., on July 31, 1954, after having been admitted here in transit to effect his departure.

Information concerning the sponsor and beneficiary was furnished by the sponsor's father, Philip Dituri, who resides at 23—65 27th Street, Astoria, Long Island, N. Y. Both the sponsor and beneficiary are presently residing abroad.

The sponsor and beneficiary were married on December 7, 1953, in Ottawa, Canada. There are no issue of this marriage. The beneficiary has no close relatives in the United States. His parents, brother, and three sisters reside in Italy. While in the United States he was employed as a truckdriver. He attended school in his native town for 6 years.

The sponsor was born on November 9, 1931, in Italy. In August 1947, she was admitted to the United States for permanent residence together with her family. She became a naturalized citizen on November 10, 1953. On July 31, 1954, she departed to Italy together with the beneficiary and has been residing there with him. Mrs. Andriola contemplates returning to this country early in 1955. She was employed as a sewing machine operator and earned approximately $65 per week. Her assets consist of $4,200 in a savings bank account and personal effects valued at approximately $1,500. The beneficiary has no known assets.

According to Mr. Dituri the beneficiary was denied the issuance of an immigrant visa by an American consul in Italy because of the manner in which he entered this country in 1949. The informant did not know at which consulate the application was made. Since this Service has no information regarding the foregoing the committee may wish to request the Bureau of Security and Consular Affairs, Department of State, to secure information.

The Director of the Visa Office, Department of State, submitted a report on this case which is quoted below:

DEPARTMENT OF STATE,
Washington, January 12, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to Mr. Reed's letter of December 10, 1954, and its enclosures, wherein a report was requested on the visa case of Pasquale Andriola, beneficiary of H. R. 9891, 83d Congress, 2d session.

It appears from information contained in the Department's files that the alien in question, Pasquale Andriola, born in Italy on November 12, 1931, obtained an American passport fraudulently at Naples, Italy, in 1949 by impersonating his deceased cousin of the same name who was born in the United States. Accordingly, it appears that the alien is ineligible to receive a visa under section 212 (a) (19) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Mr. Andriola's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mr. Andriola from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Mr. Delaney submitted the following resolution passed by the Lexington Post No. 108 of the American Legion, in support of his bill:

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LEXINGTON POST No. 108,
AMERICAN LEGION,
New York 28, N. Y.

RESOLUTION FOR RECONSIDERATION OF BILL H. R. 3623, RELATIVE TO PASQUALE ANDRIOLA

At a regular meeting of Lexington Post No. 108, American Legion, department of New York, held on Tuesday, June 21, 1955, at their quarters, 155 East 88th Street, New York City 28, N. Y., the matter referred to in the above-mentioned bill was brought on the floor and thoroughly discussed. It was then moved and passed unanimously, that the aforesaid bill be seriously reconsidered for favorable action by the Committee on the Judiciary, United States House of Representatives, for the following pertinent reasons:

Whereas the wife of the above Pasquale Andriola, is the daughter of an honorably discharged veteran of the United States Armed Forces;

Whereas the wife of the said Pasquale Andriola did not in any way realize that anything illegal had taken place until after the marriage;

Whereas the said wife of Pasquale Andriola is now with child and it would be inhuman to separate the family;

Whereas at the time of entry into the United States, the above Pasquale Andriola was only 17 years of age and was in the predicament of fraudulent entry, solely because of the unprincipled manipulations of a mature uncle;

Whereas the above Pasquale Andriola did not himself realize it was a serious offense;

Whereas the said Pasquale Andriola, on learning of the seriousness of the violation concerned, willingly and voluntarily returned to his native Italy; he was not deported;

Whereas the above Pasquale Andriola has an excellent record in Italy and also for the years he spent in the United States: Therefore be it

Resolved, That owing to the conditions quoted above, we sincerely feel that each individual member of the Judiciary Committee, should reconsider for favorable action, the above bill concerning Pasquale Andriola, with particular attention being concentrated on his total lack of malicious or fraudulent intent to violate our laws, proven by his voluntary return to Italy. We also feel that it was only because of his youth at the time of entry and the domination of his uncle, that this unfortunate incident occurred.

BEAUVAIS DUFFY, *Commander.*
LEO I. RUGGERI, *Adjutant.*

Antonio Colantonio—H. R. 4870, by Mr. Multer

The beneficiary is a 39-year-old Italian husband of a citizen of the United States who has been found inadmissible to the United States because of a conviction in Italy for the crime of aiding and assisting an alien in attempting to effect an entry into the United States as a stowaway.

The pertinent facts in this case are contained in a letter dated October 7, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 9780) pending during the 83d Congress for the

relief of the same person. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 7, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9780) for the relief of Antonio Colantonio, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

This bill would authorize the alien's admission into the United States for permanent residence, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act of 1952, which excludes from admission into the United States aliens convicted of crimes involving moral turpitude.

The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANTONIO COLANTONIO, BENEFICIARY OF H. R. 9780

The records of this Service disclose that Antonio Colantonio is a native and citizen of Italy, born January 6, 1919. He last entered the United States at New York, N. Y., as a seaman on May 28, 1951. On February 27, 1952, a warrant of arrest in deportation proceedings was issued charging that at the time of his entry he was an immigrant not in possession of a valid immigration visa. On June 2, 1952, he was deported to Italy. On July 15, 1953, the alien was granted permission to reapply for admission into the United States.

The beneficiary attended public school in Italy for 5 years. He served with the Italian Air Corps for a period of 6 years. His mother, 2 brothers and 2 sisters reside in Italy. He has no close relatives residing in the United States. While residing here, he was employed by the Fortway Bowling Center, Brooklyn, N. Y., as a porter and pinboy.

The sponsor, Mary Colantonio, advised that she was born in Brooklyn, N. Y., on August 12, 1929. She met her husband during his residence in the United States and married him in Italy on September 25, 1952. The sponsor is an elementary school graduate, presently employed as a wirer by CBS-Columbia, Inc., Long Island City, N. Y. During the year 1953 she earned $1,871.41. Mrs. Colantonio resides

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with her parents in Brooklyn, N. Y. Her assets consist of a savings account in the amount of $378.63.

The sponsor stated that she believes her husband has been refused a visa by the Consulate at Naples, Italy, because he is alleged to have assisted an alien to enter the United States illegally in 1947 or 1948. The files of this Service do not contain any information relative to this allegation or to any other criminal activity. The committee may desire to consult with the Bureau of Security and Consular Affairs of the Department of State for information concerning the nature of the grounds upon which the visa was denied.

The Director of the Visa Office, Department of State, submitted a report on the 83d Congress bill, on June 22, 1955, which reads as follows:

DEPARTMENT OF STATE,
Washington, June 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to a letter dated August 4, 1954, from Hon. Chauncey W. Reed, and its enclosures, wherein he requested a report of the facts in the case of Mr. Antonio Colantonio, beneficiary of H. R. 9780, 83d Congress, 2d session.

A report recently received by the Department from the American Consulate General at Naples, Italy, states that Mr. Colantonio was refused an immigrant visa under the provisions of section 212 (a) (31) of the Immigration and Nationality Act. This decision was predicated on a conviction of December 10, 1948, by the tribunale of Naples, for the crime of aiding and assisting an alien in attempting to effect an entry into the United States as a stowaway. It has been determined that this crime does not involve moral turpitude and would therefore not render him ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act. It is therefore suggested that the committee may desire to amend H. R. 9780 by deleting section 212 (a) (9) and adding in its place 212 (a) (31).

At this time the Department has no knowledge of any factor in Mr. Colantonio's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to the visa issuance would preclude him from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mr. Multer submitted the following letter and affidavits in support of his bill:

APRIL 12, 1955.

Hon. ABRAHAM J. MULTER,
House of Representatives.

DEAR MR. MULTER: As stated in a telephone conversation of March 7, 1955, the Department has received a communication from the American Consulate General at Naples, Italy, dated February 15, 1955, which is in acknowledgment of your letter of February 10, 1955,

further relating to your interest on behalf of Mrs. Mary Colantonio of Brooklyn, N. Y., in the immigrant visa application of her husband, Mr. Antonio Colantonio.

The consular officer reports that Mr. Colantonio is inadmissible into the United States and, therefore, ineligible to receive a visa, under section 212 (a) (31) of the Immigration and Nationality Act. As you know, this section of the act provides for the exclusion of "any alien who at any time shall have, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or try to enter the United States in violation of law."

The Department has concurred in the consular officer's determination of Mr. Colantonio's ineligibility to receive a visa under the referenced section of the act.

You are assured that the consular officer accorded Mr. Colantonio's case every possible consideration consistent with the immigration laws and visa regulations.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

AFFIDAVIT

STATE OF NEW YORK,
County of Kings, City of New York, ss:

I, Mary Ercole Colantonio, being duly sworn, depose and say that I reside at 231 Van Sicklen Street, Brooklyn, N. Y. I further certify that I married my husband, Antonio Colantonio, who presently resides in Torre Del Greco, Province of Naples, Italy, on ————. At the time of my marriage to my husband, I was not aware of his having any difficulty with anyone or with any department, agency, or government. I further certify that my husband has sworn to me that he never committed any crime nor did he assist anyone to be a stowaway on any ship even though he was charged with having assisted someone in stowing away aboard ship. I have been always aware of the fact that he is an honorable and respectable individual in his community and further that he was honorably discharged as a first class aviator while in the service of the Italian Air Force in World War II, having had an excellent record.

I further certify that from the transcript of the records which have been submitted on behalf of my husband, he never served any time in jail, although having been found guilty, a serious question existed as to whether he was really guilty or not, and therefore was given a suspended sentence.

I further certify that unfortunately, my husband was not in a position to take any appeal from this court's decision because he was unable to pay any additional court expenses or lawyer's fees.

I further certify that I have exhausted all other means and administrative remedies in getting my husband into the United States, as I know that he is an honest and law-abiding citizen and will definitely be an asset to this community and country.

I further certify that this affidavit is made for the purpose of assisting my husband and further, to be submitted in conjunction with a

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bill introduced in his behalf, same bearing H. R. 4870 on March 10, 1955.

MARY ERCOLE COLANTONIO.

Sworn to before me this 11th day of April 1955.

LOUIS D'AGOSTINO,
Notary Public, State of New York.

Commission expires March 30, 1956.

[Translation]

With the present act, I, the undersigned, Colantonio Antonio, son of Antonio, born in Torre Del Greco (Naples), and now residing at Via Nazionale No. 59, do hereby declare:

That in the year of 1947, I was employed on the liner *Saturnia* with all the documents of navigation necessary for my job as a valet.

That I was assigned to room B–2 with two other waiters, and that in this room there were numerous passengers whom we were to serve.

Within the period that I was on this liner we made 3 trips of to and from Naples and New York, in 4 months' time.

On the fourth trip from New York to Naples the ship arrived on October 3, 1948. After 2 days I was called to appear before the commander of PS maritime scale, who asked me to surrender my book of embarkation for the reason that they claimed I had been accused of helping to smuggle a certain alien Gisondi Antonio, son of the late Giovani, from the province of Bari.

In the presence of the commander of public secrecy I defended myself strenously that I had been falsely accused, and that this was a hoax, and that I was being accused for no reason and that I was innocent of the entire matter.

That I have never known Gisondi Antonio, and that the person that falsely accused me was trying to avoid taking the blame and for no reason mentioned my name as an accomplice.

That due to this matter I was to appear in court on the 11th day of July 1950 in the 7th section of the court of appeals in Naples, where I pleaded my innocence.

Without any proven testimony or documents I was unjustly declared guilty and sentenced.

Due to financial reasons I was unable to appeal this case to a higher court, and that I did not get prison penalty for the reason that the court had given me clemency for pardon and amnesty.

I have always had and have been of good conduct both to my country, politically and morally, and that I served in the military service as an aviator first class from October 16, 1939 to February 7, 1945, with a good record.

Dated Naples May 21, 1954.

Signed COLANTONIO ANTONIO,
Son of Antonio.

The above is the signature which was signed in my presence of Colantonio Antonio, son of Antonio, born in Torre del Greco (Naples), and now residing at Via Nazaionale No. 59, who I know personally.

[SEAL] (Signed) VINCENZO GRAZIANO,
Notary-Public, Naples.

No. 394, Liber 10.

Tribunal of the Province of Naples Verified the Signature of Notary Vincenzo Graziano, May 21, 1954, Naples Chanceller Delegate for Chancellor.

[SEAL] (Signed) FEDERICO RAJOLA.

I, Seraphino Martino, the undersigned, Notary Public of Kings County in New York State do hereby certify that the above translation is a true and exact copy of the Italian document, made by Colantonio Antonio, in Torre del Greco, Naples, Italy.

[SEAL] SERAPHINO F. MARTINO,
Notary Public, State of New York.

No. 24-2610400. Qual. in Kings County. Certificate filed in Kings County Clerk's & Reg. Off. Commission expires March 30, 1955.

[Translation]

TOWN OF TORRE DEL GRECO ANAGRAFE

The mayor, certifies that from information obtained, it results Colantonio Antonio, son of Antonio, and Toralbo Maria Lucia, born here on January 6, 1919, here residing, is found that he is a person a good conduct, moral and civil.

This legal paper is for the use of consent.

Torre del Greco, May 13, 1954.

(Signed) MARCELLA, *Mayor.*

[Seal of the town of Torre del Greco]

PREFECT OF NAPLES

Examined for the legalization of the signature of the mayor of the town.

May 15, 1954.

[SEAL] (Signed) GIUSEPPE PORPORA.

I, Seraphino Martino, the undersigned, notary public of Kings County, State of New York, do hereby certify that the above is a true and exact translation of the original certificate of good conduct of Antonio Colantonio.

[SEAL] SERAPHINO F. MARTINO.

Aston H. Savage—S. 3716

The beneficiary is a 41-year-old native of Jamaica and citizen of Great Britain, who presently resides in Jamaica. He was admitted to the United States on January 29, 1945, as an agricultural worker in possession of an alien laborer's identification card issued in the name of another person. On April 1, 1950, the beneficiary was married to Mary A. Shelton, a United States citizen. On December

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10, 1955, the beneficiary departed voluntarily from the United States. He has been denied a visa to enter the United States inasmuch as he had previously entered the United States by fraud and misrepresentation. Without the waiver provided for in the bill, the beneficiary will be unable to join his citizen wife in the United States.

A letter, with attached memorandum, dated June 22, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 22, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3716) for the relief of Aston H. Savage, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States any alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation, or seeks to enter the United States, by fraud, or by willfully misrepresenting a material fact, and would authorize the beneficiary's admission to the United States for permanent residence, if he is found to be otherwise admissible. The bill also provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ASTON H. SAVAGE, BENEFICIARY OF S. 3716

Information concerning this case was obtained from the beneficiary's wife, Mrs. Mary Alice Savage.

The beneficiary, Aston H. Savage, also known as Canute Wilson, a native of Jamaica, British West Indies, and citizen of Great Britain, was born on April 18, 1915. He married Mary A. Shelton, a United States citizen, in Chicago, Ill., on April 1, 1950. His wife was previously married in March 1933 and granted a divorce and custody of her child on July 3, 1947. She and her son reside at 1531 South St. Louis Avenue, Chicago, Ill. The beneficiary resides at 79 Barbican Road, Liguanea Post Office, Jamaica, British West Indies.

The beneficiary is unemployed. He is a college graduate. He earned $4,100 in 1955. He and his wife have an equity of $9,000 in an apartment building valued at $15,750. His mother and brother reside in Jamaica, British West Indies.

The beneficiary entered the United States as an agricultural worker on January 29, 1945, at New York, N. Y. At that time he was in possession of an alien laborer's identification card issued in the name of Canute Wilson, which was the name of a friend of the beneficiary. Deportation proceedings were instituted on June 20, 1955, on the ground that he had failed to maintain the nonimmigrant status in which he was admitted. On August 23, 1955, the special inquiry officer granted voluntary departure with the provision that, if he failed to depart when and as required, he be deported. He departed as required on December 10, 1955, at Miami, Fla. A visa petition to establish nonquota status in his behalf was approved on August 24, 1955. According to the beneficiary's wife, he was refused a visa by the American consul, Jamaica, British West Indies, in December 1955. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to furnish information concerning the beneficiary's ineligibility for a visa.

The beneficiary has had no military service. Information as to whether he registered under the Selective Training and Service Act of 1940, is not available.

Senator Paul H. Douglas, the author of the bill, submitted the following letters in support of the bill:

UNITED STATES SENATE,
COMMITTEE ON FINANCE,
June 1, 1956.

Re S. 3716, for the relief of Aston H. Savage.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR EASTLAND: In order that your committee may be fully advised when consideration is given to S. 3716, for the relief of Aston H. Savage, please permit me to submit the attached information.

The beneficiary of this bill is a national of the British West Indies who entered the United States as a contract laborer in January 1945 under a name not his own. At the termination of the contract, he obtained employment in Chicago, Ill., under his own name of Aston H. Savage, and married a citizen of the United States in April 1950.

Mr. Savage has been steadily employed by the Chicago, Rock Island & Pacific Railroad since May 15, 1946, and he and his wife are respected members in the community in which they live.

Upon returning to the British West Indies to apply for a nonquota immigration visa and was found inadmissible to the United States under section 212 (a) (19) of the Immigration and Nationality Act.

I feel certain that Mr. Savage had no real intent to violate our immigration law and it is my sincere belief that he is worthy of consideration by your committee. I hope your committee will find it possible to favorably report S. 3716 in the very near future.

With kind regards.

Faithfully,

PAUL H. DOUGLAS.

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN CONSULATE GENERAL,
Kingston, Jamaica, December 21, 1955.

Mr. MANUEL SOLOTKE,
Greenstein and Solotke,
Chicago, Ill.

SIR: I refer to my letter of October 21, 1955, and previous, concerning the immigrant visa case of Aston H. Savage.

Mr. Savage was interviewed at the consulate general on December 20, 1955. It was established that Mr. Savage had entered the United States on January 24, 1945, as a farm laborer in the name of Canute Wilson. Because of ill health Mr. Wilson had given his farm labor ticket to Mr. Savage who then took the required medical examination and traveled to the United States in Mr. Wilson's name.

It was determined by the consular officer that an immigrant visa could not be issued to Mr. Williams since he was subject to the excluding provisions of section 212 (a) (19) of the Immigration and Nationality Act.

A guide to the specific question involved may be found in the interim decision No. 629 dated May 28, 1954, of the Board of Immigration Appeals. This decision states:

"An alien who entered the United States in 1952 as an agricultural worker by presenting an alien laborer's permit which he had wilfully obtained in another person's name has procured a document by willful misrepresentation of a material fact and is inadmissible to the United States under section 212 (a) (19) of the Immigration and Nationality Act."

You are assured that the immigrant case of Mr. Savage was given every consideration consistent with existing laws and regulations governing the admission of aliens into the United States.

Very truly yours,

DAVID M. MAYNARD,
American Consul General.

LIGUANEA P. O.,
Jamaica, British West Indies, January 27, 1956.

Mr. PAUL H. DOUGLAS,
Senator from Illinois,
Care of Mr. Douglas Anderson.

GENTLEMEN: When they were taking men for the War Manpower Commission in 1944 they were only taking those who were registered with the Kingston Employment Bureau. I was interested in going to the United States of America but I was not registered with the Kingston Employment Bureau. One day my girl friend, Miss Louise Wilson, called and told me that her brother, Canute Wilson, who was registered with the Bureau had received a card and would give the card to me as he was sick and could not pass the examination. The day after he, Canute Wilson, gave the card to his sister, Miss Louise Wilson, who in turn gave same to me.

I took the card to Camp Gibralter and was examined. A few days later I was informed that I had passed the examination and would

be told the time of departure. In order to say thanks to Miss Louise Wilson and her brother Canute Wilson, I left Miss Louise Wilson as my dependent and sister, to receive 2 pounds per month from my savings. One day before my time of departure to the United States of America the War Manpower Commission could not get the amount of men required. I received a card in my name marked "not registered." It was too late to do anything about the card that was given to me. I was transported to the United States of America under the name Canute Wilson, contract No. J02. I arrived at New York on January 29, 1945, and was sent by train to Chicago, Ill., where I worked with International Harvester, McCormick Works Co. as a molder until the termination of my contract on January 18, 1946. During my stay in Chicago, Ill., I met Mrs. Mary Alice Shelton. She was very kind, loving and sympathetic to me and I love her very much. After the termination of my contract I was sent to Camp Murphy in Florida, where I was signed up with the War Food Administration and was sent to Homestead, Fla., to work on the farms. After working a few months on the farms, I left and came back to Chicago, Ill., and got employment with the Chicago, Rock Island & Pacific Railroad Co., as a freight handler on May 15, 1946. After Mrs. Mary Alice Shelton got her divorce we got married on April 1, 1950, in Chicago, Ill., using my name, Aston Savage. After our marriage my wife consulted the law office of Greenstein & Solotke, 11 South La Salle Street, Chicago 3, Ill., and applied for a visa for permanent residence in the United States of America for me, Aston Savage, her husband. After all the regular proceeding, she was informed that I had to return to my place of birth to get the visa from the American consul general. I arrived in Jamaica, British West Indies, the place of my birth on December 10, 1955, and had an appointment with the American consul on December 20, 1955. At the office of the American consul general he asked me to explain in writing how I got the name Canute Wilson. After doing so, he said he could not give me a visa. I informed my wife, who in turn informed her attorney.

I love my wife very much and humbly beg to be considered and have a chance to keep my marriage vows. I swear this is the whole truth.

ASTON SAVAGE.

THE HOUSE OF PRAYER CHURCH,
Chicago, Ill., March 15, 1956.

Attorneys GREENSTEIN & SOLOTKE,
Chicago, Ill.

GENTLEMEN: This comes to inform you that the Savage family belongs to the House of Prayer Church and is in good standing. I have known this family personally for the past 5 years since they have been in my membership and find them to be outstanding in their religious, social, and community activities.

Should further information in this matter be needed, please don't hesitate in calling on me.

I shall be very happy for a favorable outcome of this case knowing the great need of Mr. Savage to his family.

Respectfully yours,

(Signed) L. K. JOHNSON,
(Typed) Rev. L. K. JOHNSON, *Pastor.*

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Maria LaSala—S. 3701

The beneficiary is a 16-year-old native and citizen of Italy, who presently resides in that country with her mother, brother and sister. The beneficiary's father was admitted to the United States for permanent residence in 1949, and was naturalized a United States citizen on July 20, 1954. In 1955, the beneficiary's father returned to Italy to make arrangements for his family to come to the United States. However, the beneficiary was found to be afflicted with a mental defect and, therefore, excludable from the United States. Without the waiver provided for in the bill, the beneficiary will be unable to accompany the rest of her family to the United States for permanent residence

A letter, with attached memorandum, dated June 8, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 8, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3701) for the relief of Maria LaSala, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with psychopathic personality, epilepsy, or a mental defect, and authorize the issuance of an immigrant visa to the beneficiary if she is found to be otherwise admissible. It further provides that a suitable bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA LA SALA, BENEFICIARY OF S. 3701

Information concerning this case was obtained from Mr. Leonardo LaSala, the beneficiary's father.

The beneficiary, Maria LaSala, a native and citizen of Italy, was born on January 14, 1940, She is unmarried and resides at Fico S. Marco, Italy, with her mother, brother, and sister, all of whom are citizens of Italy. She attended elementary school for several years. According to her

father, the beneficiary was refused a visa by the United States consul at Palermo, Italy, in July 1955, apparently because she has a mental defect. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Mr. Leonardo LaSala, formerly a citizen of Italy, has resided in the United States since 1949, and became a naturalized citizen of the United States on July 20, 1954. He resides at 15411 Marlowe Street, Detroit, Mich., and is employed as a barber. He receives a salary of $100 a week and has savings of $4,000. Mr. LaSala has stated that he returned to Italy in 1955 with the intention of bringing his wife and children to the United States, but when the beneficiary was unable to receive a visa, the family remained in Italy.

Senator Charles E. Potter, the author of the bill, submitted the following letters in support of the bill:

UNITED STATES SENATE,
Washington, D. C., June 4, 1956.

Re S. 3701—For the relief of Maria LaSala.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: On December 27, 1955, Leonardo LaSala of 15411 Marlowe, Detroit, Mich., presented to me the problem which faces his family.

In brief, as letters herewith verify, Mr. LaSala came to the United States from Sicily, Italy, in 1949. His wife and three children determined to remain in Sicily until he had established himself in America and could provide for them.

Mr. LaSala became a United States citizen in 1954, and early in 1955, having become well established in his profession as a barber, he returned to Italy to bring his family here. All members of the family seemingly were determined admissible under our immigration laws—see enclosed April 13, 1956, letter from our consul general at Palermo—except the 15-year-old daughter, Maria, who unfortunately as a baby suffered an attack of infantile paralysis which left her with a mental defect, although at this time she can read and write Italian.

In October 1955 Leonardo LaSala returned to the United States without his family. As he states in his letter of December 27, "We refused to leave Maria in the care of friends and come here without her because we love her deeply, and because the responsibility for her care is obviously ours alone."

In his April 13, 1956, letter, our consul general at Palermo informed me Maria is mandatorily excludable from admission to this country, being an afflicted child and there is no administrative relief which can be applied under our existing law.

Subsequently on receiving this letter, I sponsored the subject relief bill, feeling sincerely that this is truly a case to be viewed with compassion and that the child with such seemingly responsible and Christian parents would not become a public charge.

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Letters herewith are from Mr. LaSala's pastor, the Reverend Mr. Carl G. Gentner of St. Francis DeSales Church, Mr. Louis P. Garnier, a realtor who has known Mr. LaSala as a friend for the past 4 years, three doctors, a banker, his employer, and several other responsible citizens.

If the agenda of your committee permits, it would be deeply appreciated by all concerned if favorable action may be taken in sufficient time to permit final congressional approval of S. 3701 prior to adjournment.

Sincerely yours,

CHARLES E. POTTER,
United States Senator.

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN CONSULATE GENERAL,
Palermo, Italy, April 13, 1956.

Hon. CHARLES E. POTTER,
United States Senate.

DEAR SENATOR POTTER: I have received on April 3, 1956, your communication of March 29, with further reference to the immigrant visa cases of Mrs. Leonardo La Sala and her children, particularly her daughter Maria. You attached to your communication a copy of the consulate general's letter to you of January 16, 1956, in which it was stated that it was anticipated that Maria would be examined by a psychiatric consultant of the United States Public Health Service when he was scheduled to visit this office in the early part of March.

The consulate general was recently informed that this consultant is unable to call at this office. In any event, the primary responsibility for determining an applicant's eligibility on medical grounds lies with the medical officer of the United States Public Health Service assigned to this office and he has just completed a careful reexamination of the child. As a part of this examination, the child was seen by a prominent professor of psychiatry of the University of Palermo and his report was given to our medical officer. The medical officer has now stated that there is no doubt in his mind that the child is afflicted with a mental defect which brings her within a class of persons ineligible to receive a visa under our immigration law.

I regret that I must make such a disheartening report, but in view of the medical officer's findings the child is mandatorily excludable from the United States and there is no administrative relief which can be applied under our existing immigration law.

Sincerely yours,

JAMES HUGH KEELEY,
American Consul General.

DETROIT, MICH., *December 27, 1955.*

Hon. CHARLES POTTER,
United States Senate, Washington, D. C.

DEAR SENATOR POTTER: The urgent necessity for competent, authoritative advice has prompted me to appeal to you directly for possible solution of my problem. I will try to describe the situation as briefly as possible.

In 1949 I came to the United States from Sicily, Italy, where I left a wife and three children. During the past 6 years, I have successfully earned a comfortable living as a barber, and as my deep admiration for America grew steadily, I finally became a proud American citizen in 1954.

Early this year, I returned to Italy with all the documents necessary to bring my family to America. When we visited the office of the American consulate, Palermo, Italy, my wife and children were submitted to the usual physical examination. The examining physician declared our daughter, Maria, age 15, mentally deficient and, therefore, not eligible for entry into the United States.

At birth Maria suffered an attack of infantile paralysis which slightly disabled her left hand, and which, as it affected her health, caused us reluctantly to withdraw her from school after she had completed the second grade. However, she can read and write Italian.

Our other daughter, Anna, is 8, and our son Baldassare, is 11. Both are normal, healthy children. My wife, Gaetana, has been mother and father to them while I have been trying to establish a place for us in America.

In October 1955, leaving a disappointed and heartbroken family behind, I returned to the United States. Before my departure, it was suggested that we leave Maria in the care of friends and come here without her. We refused to consider this generous offer because we love her deeply, and because the responsibility for her care is obviously ours alone.

Ever mindful of the second painful separation, we are still hopeful that we might soon be permanently reunited in America. A lengthy separation is not a healthy condition for a growing family; it breeds unhappiness and discontent. I am confident that any investigation will prove me responsible and perfectly capable of supporting my family and of giving special care to Maria.

With my savings, I could purchase a home or start a business of my own, but I cannot make a decision until I am certain my family can join me. As evidence of my ability to support myself and my family, I am enclosing a notarized statement listing my savings and my holdings of United States saving bonds.

I want my family with me, Mr. Potter. What can I do to realize my desire? Is there any way that my daughter can enter the United States? Surely, as an American citizen I can expect some consideration.

There must be a way. Please help us. I will be happy to do anything in my power to bring my family here.

Your kind attention, taking valuable time away from other more important duties, is appreciated more than I can adequately express.

Sincerely yours,

LEONARDO LA SALA.

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Gillian Allison Hackler—S. 3432

The beneficiary is a 20-year-old native and citizen of Great Britain, who presently resides in England. On March 20, 1954, she was married in England to Jerry Anthony Hackler, a United States citizen and member of our Armed Forces. The couple has one child, who is a citizen of the United States, and the beneficiary is expecting the birth of a second child. The beneficiary has been denied a visa to enter the United States, inasmuch as she was found to be afflicted with a mild form of epilepsy, and, therefore, excludable from the United States. The beneficiary's husband is presently stationed in England, but expects to return to the United States within a few months, and without the waiver provided for in the bill, the beneficiary will be unable to accompany her citizen husband and child to the United States.

A letter, with attached memorandum, dated May 21, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 21, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3432) for the relief of Gillian Allison Hackler, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hammond, Ind., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens afflicted with psychopathic personality, epilepsy, or a mental defect, and would permit the beneficiary to enter the United States for permanent residence if she is found to be otherwise admissible. The bill also provides that this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GILLIAN ALLISON HACKLER, BENEFICIARY OF S. 3432

Information concerning this case was obtained from A/1c Jerry Anthony Hackler and Mrs. Opal Wallace, the beneficiary's husband and mother-in-law.

The beneficiary, Gillian Allison Hackler, a native and citizen of Great Britain, was born on April 18, 1936. She married Mr. Hackler, a United States citizen, in England on March 20, 1954. Their United States citizen child resides with them at No. 5 Cavendish Road, Felixstowe, Suffolk, England. Information regarding her education, employment, and assets is not available.

The beneficiary has never been in the United States. According to her husband, she is afflicted with a mild form of epilepsy and was refused a visa by the American Consul at London, England, because of this affliction. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to furnish information concerning the beneficiary's ineligibility for a visa.

Mrs. Hackler is also the beneficiary of private bill H. R. 9933, 84th Congress, 2d session.

The beneficiary's husband has served in the United States Air Force since May 12, 1952. He earns $3,600 a year. He is a radio operator with the 79th Fighter Bomber Squadron, APO 775, New York, N. Y.

Senator Homer Capehart, the author of the bill, submitted the following letter in support of the bill:

UNITED STATES SENATE,
Washington, D. C., May 25, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR EASTLAND: I introduced the bill S. 3432, on March 13, 1956, on behalf of Gillian Allison Hackler, wife of an American citizen.

Mrs. Hackler is a Britisher by birth. Her husband is in the United States Air Force and has been stationed in England for some time. They have one child and are expecting another. Airman Hackler's overseas tour will terminate in September of this year and he is most anxious to bring his family with him.

However, a private bill is required to admit Mrs. Hackler for the reason that she is an ideopathic epileptic and as such is not admissible under current immigration laws other than through special legislation.

I understand this is a mild form of epilepsy and is not hereditary, and the light attacks become milder and less frequent as the patient grows older.

If any other information is required on this bill, I shall do my best to furnish it at your request.

Sincerely,

HOMER CAPEHART.

Erna Barbara Kreutner—S. 3205

The beneficiary is a 24-year-old native and citizen of Germany, who presently resides in that country. She is engaged to marry S/Sgt. Hubert Griffith, a United States citizen and member of our Armed Forces. Sergeant Griffith is presently stationed abroad, and has been unable to obtain permission to marry the beneficiary, inasmuch as she has been found inadmissible to the United States. The record discloses that on June 22, 1953, she was convicted of embezzlement and fined 20 marks. On November 24, 1953, she was convicted for complicity in an offense of minor theft, and was fined 100 marks. The fine was subsequently canceled, inasmuch as she had been held in jail from October 15, 1953, to November 4, 1953. Without the waiver provided for in the bill, Sergeant Griffith will be unable to obtain permission to marry the beneficiary and have her accompany him to the United States.

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A letter, with attached memorandum, dated June 4, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 4, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3205) for the relief of Erna Barbara Kreutner, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cincinnati, Ohio, office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, and authorize the alien's admission for permanent residence, if she is otherwise admissible under that act. The bill providse that this exemption shall apply only to a ground for exclusion of which the Secretary of State or Attorney General has knowledge prior to the date of the enactment of the Act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ERNA BARBARA KREUTNER, BENEFICIARY OF S. 1205

Information concerning this case was obtained from Hubert Griffith, the beneficiary's fiance.

The beneficiary, Erna Barbara Kreutner, a citizen of Germany, was born on November 17, 1931, at Wies/Miesbach, Germany. Though unmarried, she has a daughter, Diane, born June 26, 1954, in Germany. Mr. Griffith acknowledges that he is the father of this child.

The beneficiary, a high-school graduate, is unemployed and has no assets. She is dependent upon Mr. Griffith for support. Her mother, two brothers, and a sister reside in Germany. Her father was reported missing in 1945 and is believed to be held captive in Russia.

The beneficiary was charged with the offense of embezzlement on June 22, 1953, in Munich, Germany. For this offense, it was recommended to the court that a fine of 20 deuschemarks be imposed. On November 24, 1953, in Munich, Germany, the beneficiary was convicted for complicity in an offense of minor theft. She was fined 100 deuschemarks and costs. The fact that she was held in jail from October 15, 1953, to November 4, 1953, was taken in consideration and the fine was canceled.

Mr. Hubert Griffith was born on February 5, 1932, in Pikesville, Ky. He is single. Mr. Griffith entered the United States Air Force on April 24, 1951, subsequent to

graduation from high school. He has attained the rank of staff sergeant and is presently stationed in Germany. His base pay is $2,700 per annum, and his assets consist of a bank account in the amount of $700. His parents, 3 brothers, and 2 sisters, all United States citizens, reside in Majestic, Ky.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information relative to the beneficiary's convictions in Germany.

The late Senator Alben W. Barkley, the author of the bill, submitted a number of letters and documents in support of the bill, among which are the following:

HEADQUARTERS SQUADRON SECTION,
7485TH AIR DEPOT WING,
APO 207, New York, N. Y., February 3, 1956.

Hon. ALBEN W. BARKLEY,
United States Senate, Washington, D. C.

DEAR SENATOR BARKLEY: A staff sergeant in the United States Air Force, I am presently assigned to the 7485th Air Depot Wing located at Erding Air Station, Erding, Germany. My home is located in Majestic, Ky., where I have resided for the past 20 years; therefore, I have chosen to present my problem to you.

In July 1955, the American consulate, Munich, Germany, declared my finance, Miss Erna Barbara Kreutner, a German citizen, ineligible for a resident-type visa for admission to the United States. This declaration resulted in subsequent disapproval of my application for marriage. In this respect, Air Force policy precludes marriage until such time as my finance is eligible for admission to the United States. Ineligibility was based on the fact that my fiance was previously convicted of two very minor offenses characterized as moral turpitude by American immigration laws. I have endeavored, without success, to obtain pardons for the exclusionary effect of the offenses. Pardons could not be granted, inasmuch as German court procedures preclude reopening of the cases; however, a complete annulment of the penal register was granted.

This month of February brings my total service in Germany up to 4 years, and I am rather anxious to return to the United States, as you can well imagine. I have fostered a child and am anxiously desirous of returning with the complete legal sanction of my relationship. In addition to the prolonged periods of time spent in legal procedures, I have expended a considerable amount of money in fulfilling my obligations to my fiance in attempting to perform the actions expected of any young man in such a situation. Legal entanglements and immigration laws do not take personal feelings into consideration, but the fact still remains that I earnestly wish to make this woman my legal spouse and will exhort all possible aid to accomplish this end.

The American consulate general has informed me that enactment of special legislation by the Congress to waive the exclusionary effect of the offenses is the only possible solution to my problem. Any assistance you may be able to render in sponsoring the presentation of a private bill to this effect will be deeply appreciated. Time, at this point, is a very important factor. I must return to the United

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States during May 1956, inasmuch as 51 months is the maximum tour of duty in a foreign country. In view of this fact, I am enclosing translated extracts of the penal register pertinent to these offenses.

Respectfully,

HUBERT GRIFFITH.

HEADQUARTERS,
7485TH AIR DEPOT WING,
OFFICE OF THE STAFF JUDGE ADVOCATE,
APO 207, USAF, New York, N. Y., February 6, 1956.

CERTIFICATE

I certify that I have known S. Sgt. Hubert Griffith, AF13499713, since approximately June 1955, and I am very much aware of his problems in getting a visa for his fiance, Miss Erna Barbara Kreutner, in order that he be able to marry her.

I have been personally requested by the commander of the 7485th Air Depot Wing to assist Sergeant Griffith in getting this visa, if at all possible, as Sergeant Griffith is a very deserving airman, and it is the wing commander's desire, as well as my own, to help him in any way we can.

I personally called upon the American consulate in Munich with Sergeant Griffith and went over the two convictions which are outstanding against Miss Kreutner. I was informed by the American consulate that they are able to waive one of the convictions, but are not at liberty to waive both. Therefore, the only method by which Sergeant Griffith could get a visa for his fiance is through congressional action. The American consulate is very well acquainted with the two convictions of which a copy of each are enclosed with Sergeant Griffith's letter to Hon. Alben W. Barkley, dated February 3, 1956. These offenses are of such a minor nature, had they occurred in the United States, they probably would not have been brought to trial.

I have also personally contacted the local district judge here at Erding, Germany, for the possibility of reopening these cases and have been informed by the judge that they cannot be reopened. Therefore, the only alternative of solution of this problem is a congressional action.

WARREN C. HUFF,
Captain, USAF, Staff Judge Advocate.

A certified copy of the court records in the beneficiary's case is contained in the files of the Senate Committee on the Judiciary.

Gertrud Kreen—S. 2945

The beneficiary is a 26-year-old native and citizen of Austria, who presently resides in that country. She is engaged to marry Pfc. Jim B. Elswick, Jr., a United States citizen and member of our Armed Forces. Private Elswick met the beneficiary while he was stationed abroad. He is presently stationed at Fort Benning, Ga., and is anxious that the beneficiary be permitted to enter the United States so that they may be married.

A letter, with attached memorandum, dated April 13, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 13, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2945) for the relief of Gertrud Kreen, there is attached a memoranum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Atlanta, Ga., office of this Service, which has custody of those files.

The bill would provide that the beneficiary shall be eligible for a visa as a nonimmigrant visitor for a period of 3 months, if it is found: (1) That she is coming to the United States with a bona fide intention of being married to her fiance, Pfc. J. B. Elswick, Jr., a citizen of the United States; and (2) That she is otherwise admissible under the Immigration and Nationality Act. It would further provide that, in the event the marriage between the beneficiary and her fiance does not occur within 3 months after the entry of the beneficiary, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of the Immigration and Nationality Act. It further provides that in the event the marriage between the beneficiary and her fiance shall occur within 3 months after her entry, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the beneficiary as of the date of the payment by her of the required visa fee.

As a quota immigrant the beneficiary would be chargeable to the quota for Austria.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GERTRUD KREEN, BENEFICIARY OF S. 2945

Information concerning this case was obtained from the beneficiary's fiance, Pfc. J. B. Elswick, Jr.

The beneficiary was born on December 9, 1928 in Linz, Austria. She has never been in the United States and has never been married. Her present address is Weigung Str. No. 3, Urfahr/Linz, Austria. Her father, Karl Kreen, and a brother also reside at that address. The names and addresses of her mother and other brother are unknown. The beneficiary was employed as a domestic servant in 1952 and 1953, but is now unemployed and has no income or assets. She attended public school in Austria. She seeks admission to the United States for the purpose of marrying her fiance, Pfc. Jim Bob Elswick, Jr., a citizen of the United States.

Pfc. Jim Bob Elswick, Jr. was born on November 25, 1932 in Hi Hat, Ky. He has never been married. He has been a member of the United States Army since June 15, 1952 and is now stationed at Fort Benning, Ga. with the 78th Engineer Battalion, Company B. As an unmarried private first class soldier he earns, with allowances, $121.20 a month which, if

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he were married, would be increased $51.30 a month by a dependency allotment paid to his wife. He has no other income or assets. His parents reside in Hi Hat, Ky. He has 6 brothers and 5 sisters. He attended high school to the 12th grade.

Senator Earle C. Clements, the author of the bill, submitted the following letter in support of the bill:

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
June 28, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Subcommittee on Immigration and Naturalization,
United States Senate, Washington, D. C.

DEAR JIM: I am writing in connection with the bill S. 2945, which I introduced on behalf of Gertrud Kreen, an Austrian girl who is engaged to be married to my constituent, Pfc., J. B. Elswick, Jr., presently stationed at Fort Benning, Ga.

This case represents a clear example of hardship which, in my judgment, justifies special legislation. I sincerely hope that you will concur in this opinion. According to the information that I have, Private Elswick and Miss Kreen were to be married while he was stationed in Austria, but he was returned to the States before the marriage plans could be carried out. But for this, of course, Private Elswick and Miss Kreen would have been married and she would have encountered no difficulty in gaining entrance into the United States.

From all the information at my disposal and the information obtained by the Immigration authorities, nothing has been disclosed which would indicate that Miss Kreen is anything but a person of the highest character and, in fact, during the war, although a child, she exemplified desirable moral character and humanitarian interest in serving as a nurse. Although Private Elswick and his family have given every assurance that their means are adequate to provide support for Private Elswick's intended bride, Mr. Elswick's family is a family of modest means and the expense of Private Elswick's joining Miss Kreen in Austria to marry would be an undue financial burden.

Miss Kreen possesses those character traits and skills which made her a desirable citizen, and I urge your committee's favorable consideration of this legislation.

With kindest personal regards, I am

Sincerely yours,

EARLE C. CLEMENTS.

Olive Markley—H. R. 8017, by Mr. Dague

The beneficiary is a 21-year-old native and citizen of Canada who is the wife of a United States citizen, a former serviceman. She has been found inadmissible to the United States because of convictions in 1953 on two counts of stealing wearing apparel valued at 6 pounds, and for taking 4 shillings and sixpence on another occasion. The beneficiary is the mother of one United States citizen child.

The pertinent facts in this case are contained in a letter dated February 29, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., February 29, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8017) for the relief of Olive Markley, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude and would authorize the alien's admission to the United States for permanent residence if she is found to be otherwise admissible. The bill further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the Act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE OLIVE MARKLEY, BENEFICIARY OF H. R. 8017

The beneficiary, whose complete name is Olive Bernice Markley, is a native and citizen of Canada. She was born on November 21, 1934, at Armstrong, British Columbia, Canada. She resided with her parents in England from 1939 to 1954, and completed 10 years of schooling in that country. On October 2, 1954, she married James Russel Markley, who was then stationed in England with the United States Armed Forces. One child, Russela Vernel Markley, who was born of this marriage on August 9, 1955, in Arrington, England, is a citizen of the United States. The beneficiary is a housewife and resides witn her husband and child at Mount Joy, Pa.

The beneficiary states that she was refused an immigrant visa at the American consulate in London, England, in July 1955, as she had been convicted of the theft of doilies, napkins, and 4 shillings and 6 pence from her employer in 1953. She states she was placed on 1 year's probation for these offenses.

The beneficiary's husband, James Russel Markley, is a citizen of the United States. He was born on October 17, 1930, at Lancaster, Pa. Mr. Markley served in the United States Army from October 26, 1948, to October 19, 1955, at which time he was honorably discharged with the rating of sergeant. Mr. Markley is presently employed as an apprentice printer by the Siler Printing Co., Mount Joy, Pa., at an average salary of $45 weekly. His assets consist of cash savings in the amount of $500.

The beneficiary was admitted to the United States at Buffalo, N. Y., on December 18, 1955, as a visitor. It was

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thereafter determined that at the time of admission it was her intention to remain permanently in the United States and deportation proceedings were instituted against her on the ground that she was an immigrant not in possession of a valid immigrant visa at the time of her admission. Such proceedings are now pending.

The committee is referred to the Bureau of Security and Consular Affairs of the Department of State for additional information concerning the beneficiary.

The Director of the Visa Office, Department of State submitted a report on this case which is quoted below:

DEPARTMENT OF STATE,
Washington, February 24, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 12, 1956, requesting a report of the facts in the case of Olive Markley, the beneficiary of H. R. 8017 which was introduced by Mr. Dague on January 3, 1956.

A report dated February 1, 1956, has been received from the Embassy at London stating that Mrs. Markley applied for an immigrant visa on August 22, 1955, and stated at that time that she had been convicted of a criminal offense. A copy of the court record is attached.

In view of the conviction referred to, Mrs. Markley was found ineligible to receive a visa under the provisions of section 212 (a) (9) of the Immigration and Nationality Act.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

IN THE CITY OF CAMBRIDGE

Before the Court of Summary Jurisdiction sitting at the Guildhall in the City aforesaid, Olive Bernice Graves (hereinafter called the defendant) being an adult (within the meaning of the Summary Jurisdiction Act, 1879) (as amended by the Children and Young Persons Act, 1933) (having consented to be dealt with summarily) is this day convicted for that she between the 1st and 29th days of April 1953, at and in the said City then being employed in the capacity of a servant to Mrs. Dorothy Dopp, feloniously did steal 1 pair of lady's knickers, 1 skirt, 1 bathing constume, 1 blouse, 1 sun top, 3 table napkins and 1 D'oyley of the value of £6. the property of her said mistress, contrary to section 17 of the Larceny Act of 1916.

(One other similar offence taken into consideration.)

And the Court is of opinion, having regard to the circumstances including the nature of the offence and the character of the defendant, that it is expedient to make a probation order.

And the Court has explained to the defendant the effect of this order; and the defendant has expressed her willingness to comply with the requirements thereof.

It is therefore ORDERED that the defendant who resides at 20 Bradmore Street, in the City of Cambridge, be required for the period of

three years next ensuing to be under the supervision of a probation officer appointed for or assigned to that City; and it is further ordered that the defendant shall during the said period comply with the following requirements:

1. That she shall (lead an honest and industrious life) and (be of good behaviour);

2. That she shall notify forthwith to the probation officer any change of her residence or employment;

3. That she shall keep in touch with the probation officer in accordance with such instructions as may from time to time be given by the probation officer; and, in particular, that she shall, if the probation officer so requires, receive visits from the probation officer at her home;

4. That she shall only attend dances after approval by Probation Officer.

And it is ordered that the defendant do pay to Mrs. M. Denley the sum of 4/6d. (compensation for loss) forthwith.

Dated the 14th day of May 1953.

[SEAL] B. J. MATTHEWS,
Justice of the Peace for the City aforesaid.

IN THE CITY OF CAMBRIDGE

Before the sitting at the Guildhall in the City aforesaid.

Olive Bernice Graves

A probation order having been made on the 14th day of 1953, in the case of the within-named defendant by the Court of Summary Jurisdiction for the said City sitting at the Guildhall in the said City requiring her to be under the supervision of a probation officer appointed for or assigned to the said City.

Upon the application of Yvonne Lahaise the Court hereby discharges the said probation order .

Dated the 9th day of September 1954.

[SEAL] (Signature illegible.)
Justice of the Peace for the City aforesaid.

CITY OF CAMBRIDGE,
9th September 1955.

Re Mrs. Olive Markley.

The AMERICAN VICE CONSUL,
American, Embassy,
1 Grosvenor Square,
London, W. 1.

SIR: I have been shown a letter sent by you to the above-named under Reference 211—Markley Olive: RFA: cjd and dated the 6th instant, and to assist, append below information required by you.

The offence taken into consideration when the above-named appeared before my court on the 14th, May 1953, was one of stealing 4/6d from a Mrs. Denley at 71 Hertford Street, Cambridge. The articles she was convicted of taking from Mrs. Dopp between the 1st

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and the 29th April 1953, it would appear, from the notes of evidence in my possession, were all taken (from a trunk) on one occasion.

I am, Sir,

Your obedient servant,

C. A. G. HARDING,
Clerk to the Justices.

Mr. Dague submitted the following letters in support of his bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 16, 1956.

In re H. R. 8017, for the relief of Olive Markley.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: Reference is made to our previous correspondence concerning H. R. 8017 which was introduced by me on January 3, 1956, for the relief of Olive Markley, wife of a constituent of mine, Mr. James R. Markley of Mount Joy, Pa.

It will be very much appreciated if the Subcommittee on Immigration will consider this bill at an early date since it appears that this young woman is now in the United States and is subject to a warrant action requiring her voluntary departure not later than May 14.

It is indicated that Mrs. Markley is pregnant and, therefore, I would appreciate early disposition of the case so that she might be in a position to get her visa.

Thanking you for past courtesies, I am,

Sincerely,

PAUL B. DAGUE.

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN EMBASSY,
London, November 18, 1955.

The Honorable PAUL B. DAGUE,
House of Representatives, Washington, D. C.

MY DEAR MR. DAGUE: I have received your letter of November 3, 1955, with regard to the refusal of an immigrant visa to Mrs. Olive Markley, the wife of your constituent, Mr. James R. Markley of 145 North Street, Mount Joy, Pa.

As Mrs. Markley was convicted of two separate offenses involving theft, it has been determined that she is ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act, and is not eligible for the benefits of Public Law 770 which permits the issuance of a visa to an alien who has been guilty of only one misdemeanor classifiable as a petty offense.

A copy of Mrs. Markley's conviction record is enclosed for your information. It has been ascertained from the clerk of the Justices of the City of Cambridge, that the other offense taken into consideration when Mrs. Markley appeared before his court was one of stealing four shillings and six pence, (approximately 60 cents), from a Mrs. Denley at 71 Hertford Street, Cambridge. The clerk of the Justices

stated that from the notes of evidence in his possession it would appear that the articles she was convicted of taking from Mrs. Dopp between April 1 and 29, 1953, were all taken from a trunk on one occasion.

I wish to assure you that the decision to refuse Mrs. Markley's visa was reached only after a very thorough consideration of all the facts which were presented in connection with her application.

Sincerely yours,

E. TOMLIN BAILEY,
American Consul General.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 617), as amended, should be enacted.

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Calendar No. 2483

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2449

WAIVING THE PROVISION OF SECTION 212 (A) (6) OF THE IMMIGRATION AND NATIONALITY ACT IN BEHALF OF CERTAIN ALIENS

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 618]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 618) to waive the provision of section 212 (a) (6) of the Immigration and Nationality Act in behalf of certain aliens, having considered the same, reports favorably thereon with amendments and recommends that the joint resolution, as amended, do pass.

AMENDMENTS

1. On page 1, line 9, strike the word "and".
2. On page 1, line 10, before the word "may" insert the following names: "Kalman Novak and Bojana D. Bojovitch".

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to waive the excluding provision of existing law relating to those afflicted with tuberculosis in behalf of 15 aliens who are the spouses, parents, sons or daughters of citizens of the United States or lawfully resident aliens. The joint resolution also provides for the admission into the United States of the fiancee of a United States citizen, notwithstanding her inadmissibility as one afflicted with tuberculosis, and her minor child. Provision is made for the posting of a bond in each case referred to in the joint resolution, as a guaranty that the beneficiaries will not become public charges. The language of the joint resolution provides the necessary assurances that each beneficiary will submit to treatment for tuberculosis as long as such treatment is necessary. Fourteen of the beneficiaries were included in the joint resolution as it

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passed the House of Representatives. The remaining 2 beneficiaries included in the joint resolution, as amended, were the subjects of individual Senate bills S. 4090 and S. 3403, respectively.

STATEMENT OF FACTS

A letter, dated May 4, 1955, to the chairman of a subcommittee of the Committee on the Judiciary of the House of Representatives from the Assistant Secretary of the Department of Health, Education, and Welfare, concerning certain private immigration bills introduced in the House of Representatives for the relief of the alien spouses and children of United States citizens, reads as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
May 4, 1955.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1,
House Committee on the Judiciary.

DEAR MR. CHAIRMAN: This is in response to the recent requests of your committee for a report on H. R. 879, H. R. 914, H. R. 1087, H. R. 1092, H. R. 1098, H. R. 1167, H. R. 1391, H. R. 1938, H. R. 2042, H. R. 2253, H. R. 2475, H. R. 2491, H. R. 2530, H. R. 2786, H. R. 3028, H. R. 3029, H. R. 3052, H. R. 3061, H. R. 3191, H. R. 3345, H. R. 3620, H. R. 3536, H. R. 3838, H. R. 4154, H. R. 4593, and H. R. 4469, private relief bills, which would waive the exclusion clause contained in section 212 (a) (6) of the Immigration and Nationality Act prohibiting the admission of aliens afflicted with certain diseases. We understand that the disease involved in the cases covered by these bills is tuberculosis.

The committee is, we understand, concerned with the public health hazard, if any, which would be involved in the enactment of these and similar private relief bills. Our comments on these bills therefore are confined to their public health aspects.

Medical officers of the Public Health Service examine visa applicants at the major consulates in Europe to determine from a medical standpoint, the eligibility of the alien to receive a visa to migrate to the United States. These medical examinations, while sufficiently extensive to ascertain the presence of excludable diseases or conditions, among which is tuberculosis, are not sufficiently detailed to reveal the degree of infectiousness or the extent to which a person may constitute a hazard within a community.

It is difficult, if not impossible, because of indeterminate factors, to appraise accurately the health hazard involved in permitting persons suffering from tuberculosis to settle in a particular community. The Public Health Service can, however, recommend on the basis of medical knowledge provisions for continued medical observation and care of such persons so as to minimize or preclude the danger of the spread of the disease.

In the case of aliens afflicted with tuberculosis and entering the United States by special arrangement, a period of hospitalization should be required to permit a complete study and evaluation of each case. Although the necessary period of hospitalization may vary from case to case, a minimum period of 3 months should be required to enable the hospital authorities to determine whether the particular

alien should be hospitalized for inpatient treatment, discharged, or discharged to outpatient care under adequate precautions and supervision to protect the public health.

As cases of active tuberculosis are of concern to local health departments and are required to be reported, notification should be made to the directors of the respective State health departments of any such aliens with active tuberculosis residing in their communities.

Should these bills be given favorable consideration by your committee, we would suggest that the admission of these aliens be made subject to such terms and conditions with respect to care, hospitalization, and maintenance as the Attorney General may prescribe after consultation with the Surgeon General of the United States Public Health Service. This recommendation would, we believe, provide for a maximum of administrative flexibility in establishing adequate public-health safeguards to minimize the risk, or degree of risk, of contagion involved in each individual case.

Sincerely yours,

ROSWELL B. PERKINS,
Assistant Secretary.

Gilbert C. Nee

The following letter, dated June 7, 1956, was submitted to the chairman of a subcommittee of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization concerning the beneficiary, Gilbert C. Nee:

JUNE 7, 1956.

Hon FRANCIS E WALTER,
House of Representatives,
Washington, D. C.

DEAR MR. WALTER: This has reference to the case of Chi Bee Nee (Gilbert C. Nee), born June 1, 1910, in Foochow, China. On October 24, 1950, he was issued nonquota immigration visa No. 86 by the, American Vice Consul at Taipei, Taiwan. Also, his wife, Mable, and three children, Victor, William, and Roy, all citizens of China, were issued permanent resident visas and the entire family was admitted to the United States on December 16, 1950 for permanent residence under section 4 (d) of the Immigration Act of 1924.

Mr. Nee contracted for 3 years as Administrator of the American University Hospital at Beirut, Lebanon. He departed from the United States to assume these duties having in his possession a reentry permit issued by this Service on October 7, 1953, subsequently made valid to April 7, 1955.

On August 27, 1951, Mr. Nee filed a declaration of intention and prior to his departure from the United States he filed an application to preserve his residence for naturalization purposes under section 316 (b) of the Immigration and Nationality Act, which application was approved.

It is the understanding of this Service that Mr. Nee is desirous of returning to the United States at the earliest possible date to resume his residence and become a citizen of the United States. He has been prevented from returning because of a finding made by the Public Health Service that he is afflicted with tuberculosis.

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The above information is a complete résumé of pertinent information contained in the files of this Service.

Sincerely,

J. M. SWING, *Commissioner.*

The following facts concerning the remaining cases included in the joint resolution were contained in House Report 2207 (84th Cong., 2d Sess.), and in the files of the Senate Committee on the Judiciary:

Mrs. Theresia Handler—H. R. 5011, by Mr. Anfuso

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 2, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5011) for the relief of Mrs. Theresia Handler, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota. The bill is apparently intended to exempt the beneficiary from the excluding provisions of section 212 (a) (6) of the Immigration and Nationality Act, which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form, although no specific reference is made to those provisions in the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. THERESIA HANDLER, BENEFICIARY OF H. R. 5011

Information concerning the beneficiary of the bill was furnished by her sponsor-daughter, Sofie Erker, a native and former citizen of Yugoslavia, now stateless, and a legal resident of the United States.

The beneficiary, Mrs. Theresia Handler, was born on September 5, 1886, at Oberloschin, Yugoslavia. The beneficiary is stateless, a widow, and resides at Klagenfurt, Austria. She received an elementary-school education abroad. Her necessary needs are provided for by her four daughters, legal residents of the United States. The beneficiary resided in the United States from 1903 to 1905.

The beneficiary was examined by the United States Public Health Service, in Austria, and found to be afflicted with tuberculosis, and therefore inadmissible into the United States for permanent residence.

The sponsor is married, and resides at 403 Himrod Street, Brooklyn, N. Y. She is employed as an operator by Adam

Ruppe, Brooklyn, N. Y. Her weekly income is $40 a week and she has cash savings of $1,000.

JUNE 8, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of April 1, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Theresia Handler, beneficiary of H. R. 5011, 84th Congress, 1st session.

There is enclosed a copy of a self-explanatory communication dated April 28, 1955, from the American consulate at Salzburg, Austria.

At this time the Department has no knowledge of any factor in Mrs. Handler's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Handler from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

APRIL 28, 1955.

To: Department of State.
From: American consulate, Salzburg, Austria—RRP.
Subject: Visas: Immigrant case of Mrs. Theresia Handler.
Reference: Department's OMV No. 318 dated April 22, 1955.

The consulate deferred action on Mrs. Handler's case on October 27, 1954, for 6 months at the request of the United States Public Health Surgeon at Salzburg to observe a possible tubercular condition. On December 7, 1954, however, the Surgeon informed the consulate that further study revealed that Mrs. Handler is suffering from pulmonary tuberculosis, which is sufficiently serious that there is no likelihood that she can be cured before the date of expiration of the Refugee Relief Act. The Surgeon's diagnosis is: "Chronic fibroproductive tuberculosis in the right apex with some calcification." Accordingly, Mrs. Handler was notified that she is mandatorily excludable under section 212 (a) (6) of the Immigration and Nationality Act.

Mrs. Handler is the beneficiary of two assurances verified under the provisions of the Refugee Relief Act: No. 423, dated May 6, 1954, executed by Pauline Jaklitsch of 2938 East 130th Street, Cleveland 20, Ohio, and No. 15339, dated November 1, 1954, executed by Mr. Louis Erker of 59–18 69th Avenue, Brooklyn 27, N. Y. The consulate notified both sponsors of the refusal and the reason therefor.

For the Department's information, the preliminary questionnaire submitted by Mrs. Handler states that she was born

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in Oberloschin, Gottschee, Yugoslavia, on September 5, 1886. She came to Austria on June 5, 1945, presumably with the general exodus of ethnic Germans from Yugoslavia which took place at the end of World War II. She states that she and her husband acquired Austrian citizenship so that they might receive a pension from the Austrian Government, since Mr. Handler was too ill to work. On March 19, 1951, her husband died, and she currently is supported by a widow's pension paid by the Austrian Government and contributions from her children.

She lists the following living relatives on her questionnaire: Sisters: Helene Koenig and Maria Jaklitsch, both residing in Cleveland, Ohio; children: Paula Handler and Frieda Handler, both residing in Kew Garden, Long Island, United States; Sophie Erker, of 403 Himrod Street, Brooklyn, N. Y., and Theresia Verderber, of 291 Nyskoff Avenue, Brooklyn, N. Y.

The consulate's records also reveal that Mrs. Handler was rejected for immigration by the Displaced Persons Commission in 1951 because of pulmonary tuberculosis.

BROOKLYN, N. Y., *July 20, 1955.*

Hon. V. L. ANFUSO,
Congress of the United States,
House of Representatives, Washington, D. C.

DEAR SIR: Thank you for your letter of July 8, 1955, in which you mentioned the latest action undertaken in behalf of my mother, Mrs. Theresia Handler.

Your efforts in her behalf are greatly appreciated.

With regard to any special information which may be of help in expediting my mother's arrival in this country, I wish to inform you that I have become a naturalized American citizen on July 5, 1955, in the eastern district of New York No. 7435762. I have the certificate of naturalization in my possession and, if necessary, would be willing to make it available to you.

Any additional information you might have available as to progress in my mother's behalf will be appreciated.

Thank you again for your interest in this case.

Sincerely yours,

SOPHIE ERKER.

BROOKLYN, N. Y., *July 2, 1955.*

Hon. VICTOR L. ANFUSO,
House of Representatives, Washington, D. C.

HONORABLE SIR: I am writing in reply to your letter of March 23, 1955, regarding my mother, Mrs. Theresia Handler.

I understand that you introduced bill H. R. 5011 on March 16, 1955, two copies of which I gratefully received from your office in Washington.

On April 30, 1955, my mother, Mrs. Handler, submitted X-ray pictures of her chest to the American consulate visa section at Salzburg, Austria. Her immigration case has been pending since 1951.

On or about March 24, 1955, I was called to the immigration office at 70 Columbus Avenue, New York, N. Y., and was questioned regarding the full facts in my mother's case. Also shortly thereafter an immigration man visited at our home and examined all of our personal papers including bank books, etc.

My three sisters and I are all residents of the United States and are more than able to support our mother in her last years.

I would appreciate your possibly obtaining a visa status report from the American consul at Salzburg, regarding my mother's case.

I am very anxious to have my mother with me as I feel responsible for her welfare, being very close to her through the years in Europe and more so throughout the whole of World War II.

I expect to be called shortly on July 5, 1955, to 271 Washington Street, Brooklyn, N. Y., in order to be sworn in as a United States citizen. Could this perhaps help my mother's case?

Awaiting your reply, I am,

Respectfully,

SOPHIE ERKER.

Maria Giuseppa Giordano—H. R. 6531, by Mr. Auchincloss

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., September 1, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6531) for the relief of Maria Giuseppa Giordano, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease; and would grant the alien permanent residence if she is found to be otherwise admissible. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA GIUSEPPA GIORDANO, BENEFICIARY OF H. R. 6531

Information concerning the case was obtained from Mrs. Rose Storzillo, daughter of the beneficiary.

Maria Giuseppa Giordano is a native and citizen of Brazil. She was born in São Paulo du Paradisa, Brazil, in the year 1904. She has never been in the United States. When she was a small child, her parents took her to Italy, where she still resides. On September

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23, 1925, she married Antonio Giordano in Salerno, Italy. A daughter Rose, was born of this marriage in Salerno, Italy, on November 3, 1926. Mrs. Giordano attended public school in Italy for 3 years. She is a housewife, has never been employed, and is dependent upon her husband for support. Her assets consist of real estate and personal property in Italy, valued at $4,000. Her parents, 2 sisters, and 2 brothers reside in Italy. She also has one brother, a citizen of the United States, who resides in Los Angeles, Calif.

The beneficiary was refused an immigrant visa at the American consulate in Naples, Italy, as she has been certified as having active tuberculosis. The beneficiary's husband, Antonio Giordano, was born in Salerno, Italy, on May 28, 1902. He was admitted to the United States for permanent residence on July 8, 1954. He is a gardener by occupation and states that he sends his wife $25 weekly for her support. Mr. Giordano resides with his daughter, Rose Storzillo, and her husband at 810 Fifth Avenue, Asbury Park, N. J. Mrs. Rose Storzillo is the daughter of Mr. and Mrs. Giordano. She was admitted to the United States on July 18, 1949, and on November 10, 1952, she became a United States citizen by naturalization.

DEPARTMENT OF STATE,
Washington, June 30, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of June 6, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Maria Giuseppa Giordano, beneficiary of H. R. 6531, 84th Congress, 1st session.

The records of the Department show that Mrs. Giordano called at the American consulate general at Naples, Italy, on October 28, 1954, to make formal application for an immigrant visa and the medical officer of the United States Public Health Service who examined her found X-ray evidence of pulmonary tuberculosis, a condition which rendered her ineligible to receive a visa under section 212 (a) (6) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Mrs. Giordano's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

AMERICAN CONSULATE GENERAL,
Naples, Italy, May 10, 1955.

Hon. JAMES C. AUCHINCLOSS,
House of Representatives, Washington, D. C.

MY DEAR MR. AUCHINCLOSS: I refer to your letter of April 21, 1955, concerning your interest on behalf of Mrs. Eugene Storzillo, of Asbury

Park, N. J., in the immigrant visa application of her mother, Mrs. Maria Guiseppa Giordano.

The records show that when Mrs. Giordano called at this office on October 28, 1954, to make formal application for an immigrant visa, the medical officer of the United States Public Health Service who examined her found X-ray evidence of pulmonary tuberculosis, a condition which renders her ineligible to receive a visa and inadmissible into the United States. Mrs. Giordano was notified to this effect on November 2, 1954.

Although provisions of the immigration laws have necessitated the refusal of a visa in Mrs. Giordano's case, the immigration regulations further provide that aliens who have been certified to have pulmonary tuberculosis may be reexamined from time to time by a properly designated physician. If it is then established that the examination over a period of at least 1 year, and all other laboratory tests are negative, the applicant is eligible to have his case reevaluated and if passed by the examining physician, the visa application may then be reconsidered. With this in view, Mrs. Giordano has been invited to call at the consulate general for further medical examination during October of this year.

I wish to assure you at such time as medical clearance may be granted, Mrs. Giordano's visa application will receive every consideration consistent with the United States immigration laws and regulations.

Sincerely yours,

(Signed) ALFRED T. NESTER,
American Consul General.

AMERICAN CONSULATE GENERAL,
Naples, Italy, November 20, 1951.

Hon. JAMES C. AUCHINCLOSS,
House of Representatives, Washington, D. C.

MY DEAR MR. AUCHINCLOSS: In the temporary absence of consul general Nester, I refer to your letter of November 15, 1951, regarding the immigration visa case of Mrs. Maria Giuseppa Giordano.

The records of the consulate general indicate that Mrs. Giordano is entitled to nonquota status in the issuance of an immigration visa under the provisions of section 4 (c) of the Immigration Act of 1924, as amended.

The records indicate that personal documents submitted by her in support of her visa application are in order. However, on June 21, 1951, Mrs. Giordano failed to pass the required medical examination, and diagnosis in her case was deferred pending further observation of a pulmonary condition. She was reexamined on October 25, 1951, by a chest specialist of the United States Public Health Service who diagnosed her case as active pulmonary tuberculosis. As section 3 of the Immigration Act of 1924, as amended, provides for the mandatory exclusion of aliens afflicted with tuberculosis in any form the consular officer had no choice in withholding the issuance of visa facilities.

Although it has been found necessary to refuse a visa to Mrs. Giordano, the regulations provide that further consideration may be given to her application on presentation of satisfactory evidence from a duly authorized physician that her pulmonary condition has been

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arrested and stable for a period of time, usually a year in duration. Mrs. Giordano has been given an appointment for another medical examination in April 1952.

I regret that a more encouraging reply cannot be made to your inquiry. Mrs. Giordano's case has, however, received every possible consideration consistent with the immigration laws and regulations.

Sincerely yours,

(Signed) HENRY T. SMITH,
American Consul.

Mrs. Margot Wartenberger—H. R. 6672, by Mr. McDonough

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., September 14, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6672) for the relief of Mrs. Margot Wartenberger, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis, and would grant the alien permanent residence if she is found to be otherwise admissible. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. MARGOT WARTENBERGER, BENEFICIARY OF H. R. 6672

The beneficiary, Margot Wartenberger, resides in Germany. Information concerning Mrs. Wartenberger has been obtained from her son, Horst Wartenberger, who resides in Los Angeles, Calif.

Margot Wartenberger, nee Becker, a native of Germany, now stateless, was born on March 26, 1891, at Breslau, Germany. She and her husband, Fritz Wartenberger, were married September 22, 1922, at Breslau, Germany. He is a native of Poland and is also stateless. Mrs. Wartenberger attended elementary and secondary schools in Breslau, Germany. Her only occupation since her marriage in 1922 has been that of a housewife. Mrs. Wartenberger's only immediate relatives, other than her son and husband, is a brother who is a naturalized citizen of the United States. Both of her parents are deceased.

Mrs. Wartenberger, together with her husband and son, departed from Germany in 1939 and resided in Shanghai, China, until 1949. After the cessation of hostilities in 1945 the family was considered to be

displaced persons and received assistance from the United Nations Relief and Rehabilitation Assistance Commission and its successor, the International Refugee Organization. In May 1949 Mrs. Wartenberger and her husband were removed from China to a displaced persons camp in Germany, where they now reside. Both Mr. and Mrs. Wartenberger are entirely dependent for support upon assistance provided by the International Refugee Organization. They are applicants for immigrant visas to the United States under the provisions of the Displaced Persons Act of 1948, as amended. However, the beneficiary has been found to be ineligible by reason of her affliction with tuberculosis.

Horst Wartenberger, the only child of the beneficiary, entered the United States for permanent residence on July 22, 1948, and has been a naturalized citizen of the United States since February 26, 1954. He served honorably in the United States Armed Forces for 33 months during the period January 3, 1949, to October 19, 1951. He is employed as a bookkeeper and earns a salary of $3,200 per annum. He owns assets valued at approximately $1,500. He has never been married and has no dependents.

DEPARTMENT OF STATE,
Washington, October 17, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of June 15, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Margot Wartenberger, beneficiary of H. R. 6672, 84th Congress, first session.

A report recently received by the Department from the American consultate general at Frankfort, Germany, states that the subject alien's file was reviewed by the Public Health Service tubercuolsis consultant for Europe in March 1954 and that the alien was found to be medically ineligible. X-rays made since that time continue to show the existence of disease in the upper portion of both lungs. Special views of the apices of the lungs were made in February 1955 and revealed probable cavitation on the right side. The latest rejection was effective on February 24, 1955. There is considerable doubt that the case can be medically approved in the foreseeable future under the existing interpretation of the immigration laws.

From the information furnished by the consulate general, it would appear that Mrs. Wartenberger would be ineligible to receive a visa under section 212 (a) (6) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Mrs. Wartenberger's case, other than the foregoing information, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

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Mrs. Karoline Berner (nee Katz).—H. R. 7005, by Mr. O'Brien of New York

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 13, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7005) for the relief of Mrs. Karoline Berner (nee Katz), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y. office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act, which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form, if she is found to be otherwise admissible under the provisions of that act. Further, the bill provides that admission shall be conditioned upon the depositing of a bond or undertaking pursuant to section 213 of the act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. KAROLINE BERNER (NEE KATZ), BENEFICIARY OF H. R. 7005

Information concerning this case was obtained from Ernest Katz, a brother of the beneficiary.

Mrs. Karoline Berner (nee Katz), born on October 15, 1902, is a native of Hungary, who is now stateless. She is a widow and has a son and daughter. Her son, who is an adult, is a permanent resident of the United States, and her daughter, who is married, is a citizen of this country. In addition to Ernest Katz, the beneficiary has another brother who is a resident and citizen of the United States.

The beneficiary resided in Hungary (later Czechoslovakia) until 1951 when she migrated to Austria. In March 1950, she applied at the United States consulate at Vienna, Austria, for a visa to enter this country for permanent residence. She was refused a visa after an examination disclosed she was afflicted with tuberculosis.

Mr. Katz is a United States citizen who resides with the beneficiary's children at 2889 Brighton Sixth Street, Brooklyn, N. Y. He is employed as a knitter mechanic by the Electro Knit Mills, Brooklyn, N. Y., and receives a salary of $80 a week. He has cash savings of $6,000 and personal property valued at $1,500. Mr. Katz stated that Mrs. Berner, if admitted to the United States for permanent residence, will reside with him and her children in Brooklyn, N. Y.

DEPARTMENT OF STATE,
Washington, October 10, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of August 15, 1955. and its enclosures, wherein you requested a report of the facts in the case of Mrs. Karoline Berner, beneficiary of H. R. 7005, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated September 20, 1955, from the American Embassy at Vienna, Austria.

At this time the Department has no knowledge of any factor in Mrs. Berner's case, other than the information contained in the enclosure, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

SEPTEMBER 20, 1955.

To: Department of State.
From: American Embassy, Vienna.
Subject: Visas: Immigrant case of Karoline K Berner.
Reference: Department's OMV 49, September 14, 1944.

The approved petition granting second preference status to the applicant was received on September 9, 1955.

Mrs. Berner was informally refused on September 14, 1954, under Public Law 414, section 212 (a) (6) (pulmonary tuberculosis class A II). This condition was first reported on November 19, 1952, by the United States Public Health Service doctor. Periodical checks through March 10, 1955, reconfirmed the original decision.

In the meantime. most of the documentation in the case with a term limit has expired. The applicant is being notified to furnish new papers for the expired ones.

MEDICAL STATEMENT

BROOKLYN, N. Y., *December 19, 1954.*

I have viewed a series of X-rays of the lungs of Mrs. Karoline Berner covering the period November 30, 1953, to July 29, 1954.

In this series no changes could be observed which could have occurred during this period.

In case the sputum findings were negative during the last 6 months, Mrs. Berner can be considered as a case of minimal chronic pulmonary tuberculosis in an arrested stage.

DR. JOHN MESSING.

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AMERICAN EMBASSY,
CONSULAR DIVISION,
Vienna, Austria, May 3, 1955.

Hon. EMANUEL CELLER,
House of Representatives, Washington, D. C.

MY DEAR MR. CELLER: I wish to acknowledge your letter dated April 25, 1955, concerning the immigrant visa application of Mrs. Karoline Berner, nee Katz.

The Embassy's records show that Mrs. Berner was certified by the United States Public Health officer on September 24, 1953, to be suffering from pulmonary tuberculosis. She was consequently refused a visa under section 212 (a) (6) of the Immigration and Nationality Act. Subsequent examinations by the United States Public Health tuberculosis consultant, the latest as recent as March 10, 1955, confirmed the original diagnosis.

It is regretted that a more favorable reply to your inquiry has not been possible. Under existing immigration law, however, the Embassy had no choice other than to withhold visa facilities from Mrs. Berner.

Very sincerely yours,

ROGER L. HEACOCK,
American Consul.

Alexander Golubintsev—H. R. 7081, by Mr. Granahan

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., January 10, 196.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7081) for the relief of Alexander Golubintsev, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form or with leprosy or any dangerous contagious disease and would authorize the alien's admission to the United States for permanent residence if he is found to be otherwise admissible. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ALEXANDER GOLUBINTSEV, BENEFICIARY OF H. R. 7081

Information concerning this case was obtained from the beneficiary's wife, Jeanne Golubintsev.

The beneficiary, a citizen of the Union of Soviet Socialist Republics, was born on February 23, 1883, in Erseli, Iran. He married Jeanne Golubintsev on April 10, 1920, in Solchi, Union of Soviet Socialist Republics. One child, Anatole, was born of this marriage on April 14, 1923, in Sofia, Bulgaria. The beneficiary completed the equivalent of high school and attended military school for 6 years in his native country. He served in the Russian Army from 1914 to 1920, attaining the rank of general. From 1920 to 1944 he resided in Sofia, Bulgaria, where he was engaged in the coal and building materials business. The beneficiary is presently unemployed and is dependent upon a German welfare agency for support. He has never been in the United States and resides in Munich, Germany. The beneficiary applied at the American consulate in Munich, Germany, for an immigrant visa in March 1954. This application was denied as upon being physically examined he was found to be afflicted with tuberculosis.

The beneficiary's wife, Jeanne Golubintsev, is a citizen of France. She was admitted to the United States for permanent residence in 1952. She resides in Philadelphia, Pa., where she is employed as assistant librarian at the University of Pennsylvania at a salary of $170 per month.

The beneficiary's son, Anatole Golubintsev, was admitted to the United States for permanent residence in 1950. He resides in Sun Haven, N. Dak., where he is employed as a physician at the Sun Haven Sanatorium at a salary of $500 per month.

DEPARTMENT OF STATE,
Washington, June 23, 1955.

Hon. WILLIAM T. GRANAHAN,
House of Representatives.

DEAR MR. GRANAHAN: I refer to your personal interest in the immigrant visa application of Mr. Alexander Golubintsev, the husband of Mrs. Jeanne Golubintsev.

The American consulate general at Munich has informed the Department that Mr. Golubintsev was reexamined on February 24, 1955, and that he has been unable to pass the required medical examination. The medical reports show that there has been a persistent infiltration in the left lung characteristic of tuberculosis throughout the series of X-ray films which date back to March 1951. The recent films which were made on February 24, 1955, show this condition is still present. It is added in the medical report that further consideration can be given annually but that it is doubtful that the condition will improve sufficiently to qualify Mr. Golubintsev under existing law within the foreseeable future.

Sincerely yours

ROLLAND WELCH,
Director, Visa Office.

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AMERICAN CONSULATE GENERAL,
Munich, Germany, February 4, 1955.

Hon. WILLIAM T. GRANAHAN,
House of Representatives, Washington, D. C.

MY DEAR MR. GRANAHAN: I have received your letter of January 25, 1955, concerning the immigration case of Mr. Alexander Golubintsev, the husband of Mrs. Jeanne Golubintsev.

Unfortunately, Mr. Golubintsev has been unable to qualify for an immigrant visa because an examination of his X-rays revealed to the United States Public Health Service medical officer that as of March 12, 1954, he did not meet the medical requirements for a visa.

As you may know, immigration regulations provide that aliens who have been certified as being ineligible because of tuberculosis may be reexamined by a United States Public Health Service physician after 1 year from the date of the last examination. Mr. Golubintsev will be eligible for reexamination after March 12, 1955. If it then appears that a tuberculosis condition affecting a limited area of the lungs has been arrested and has remained stable for a prolonged period of time and the examining physician then issues a medical clearance, I assure you that his visa application will again be considered.

Sincerely yours,

J. RAYMOND YLITALO,
American Consul.

Mrs. Irene Reyzev—H. R. 7200, by Mr. Sisk

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 30, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9851) for the relief of Mrs. Irene Reyzev, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (6) of the Immigration and Nationality Act and permit the admission of Mrs. Irene Reyzev to the United States for permanent residence if she is found to be otherwise admissible under that act. The bill would also provide that a suitable bond or undertaking be deposited as prescribed by section 213 of that act.

It is noted that the bill does not provide that such waiver shall apply only to a ground for exclusion of which the Department of Justice or the Department of State had knowledge prior to the enactment of the act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. IRENE REYZEV, BENEFICIARY OF H. R. 9851

Information concerning the beneficiary was furnished by her mother, Anna Maralian.

Mrs. Irene Reyzev, nee Irene Maralian, was born October 21, 1923, in Teheran, Iran. She has never been in the United States and presently resides at 33 Pischeldorfer Street, Klagenfurt, Austria. She was married in 1948 to Eugen Reyzev, a native of France, and is living with him and their 5-year-old son. She has been unable to come to the United States as a displaced person because she developed tuberculosis in 1948 and as a consequence is a member of one of the classes of aliens excluded from admission to this country.

Mrs. Maralian, a widow, entered the United States under the Displaced Persons Act on December 26, 1949, at New Orleans, La., in company with her daugher, Virginia, who was born August 6, 1937, in Teheran, Iran. Another daughter, Katherine, married a German national in Europe and resides with him in Austria. They are awaiting visas to come to the United States for permanent residence. Mrs. Maralian is employed in a cannery at Dinuba, Calif., and earns approximately $8 per day. She has approximately $700 in a savings account and an interest in her home and furniture. She is attending night school preparatory to applying for United States citizenship.

Mrs. Reyzev has the equivalent of a high-school education. She is fluent in the German language and speaks French and English well. She is unemployed and is supported by her husband, a clerical employee. Partial support in the form of food packages and clothing is furnished by her mother.

The committee may wish to consult the Department of State concerning the beneficiary.

DEPARTMENT OF STATE,
Washington, September, 16, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of July 18, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Irene Ryzev, beneficiary of H. R. 7200, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated August 16, 1955, from the American consulate at Saltzburg, Austria.

At this time the Department has no knowledge of an factor in Mrs. Ryzev's case, other than the information contained in the enclosure, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

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OPERATIONS MEMORANDUM

AUGUST 16, 1955.

To: Department of State, Washington, D. C.
From: American consulate Salzburg, Austria.
Subject: Visas: Immigrant case of Irene Ryzev, also known as Ryzew, also known as Reyzev.
Reference: Department's OMV No. 46, dated August 4, 1955, and previous.

The records of the consulate show that Mrs. Irene Ryzew was refused a visa on July 12, 1951, by the DP Commission under the Displaced Persons Act of 1948, as amended. The reason for the excluding action was that the applicant was afflicted with pulmonary tuberculosis, a class A medical condition.

The files also reveal that Mrs. Ryzev is listed on her husband's application for registration as of April 21, 1952, under the French quota (cross-reference Iran). Her husband's name is Eugen Rerses Ryzev. Mrs. Ryzev was born on October 21, 1923, at Teheran, Iran, while her husband, Eugen, was born on February 16, 1916, at Colmar, Alsace, France. Their present address is listed as Pischeldorferstrasse 33/III/14, Klagenfurt, Austria.

Mrs. RYZEV was informally refused an immigrant visa by this office on March 30, 1953, under section 212 (a) (6) of the Immigration and Nationality Act. Basis for the refusal was a medical report dated March 9, 1953, from the Salzburg office of the United States Public Health Service (USPHS), certifying Mrs. Ryzev's condition as pulmonary tuberculosis, class A. A subsequent report has been received from that same health office dated May 3, 1954, with an indication from a tuberculosis consultant that the applicant's condition on that date was class A, pulmonary tuberculosis. The latest report of the physicians of the USPHS, dated April 1955, states that the applicant still suffers from pulmonary tuberculosis. The physician in charge of the USPHS office in Salzburg has informally advised the consulate that Mrs. Ryzev is improving and that she might be medically eligible to receive a visa under the regulations of the USPHS in from 3 to 5 years if her present rate of improvement is maintained.

An investigative report made on the applicants dated June 18, 1952, disclosed no derogatory information. A security check is presently being made of the members of this family in order to determine their present eligibility to receive visas.

AMERICAN CONSULATE,
Salzburg, Austria, June 22, 1955.

Hon. B. F. SISK,
House of Representatives,
Washington, D. C.

MY DEAR MR. SISK: I acknowledge receipt of your letter dated June 10, 1955, concerning the status of the visa applications of the Ryzev family.

On the basis of information presently available to the consulate, the members of the Ryzev family would appear to qualify under the provisions of the Immigration and Nationality Act of 1952, except for the tubercular condition of Mrs. Ryzev. The required background

checks of this family have not been brought up to a recent date because of the health condition of Mrs. Ryzev. These checks will now be made current; if any disqualifying information is revealed, you will be promptly notified.

If a private bill modifying section 212 (a) (b) of the Immigration and Nationality Act in behalf of Mrs. Ryzev were successful, it is anticipated that the entire family could promptly receive visas to travel to the United States because of the fact that the date of Mr. Ryzev's registration under the French quota has been reached for the issuance of visas.

In the event a private bill in behalf of Mrs. Ryzev is likely to be passed by the Congress, it would be appropriate for the persons in the United States who are interested in this family, to secure new evidence that the Ryzevs if admitted to the United States would not be likely to become public charges. This evidence should be sent to Mr. and Mrs. Ryzev for submission to this consulate.

I wish to assure you of the full cooperation of this consulate in your efforts in behalf of Mrs. Ryzev and the other members of her family.

Sincerely yours,

F. E. MAESTRONE,
American Consul.

INTERNATIONAL INSTITUTE OF FRESNO, INC.,
Fresno, Calif., January 4, 1956.

Re Mrs. Irene Ryzev

Hon. B. F. SISK,
United States Congressman,
Washington, D. C.

DEAR SIR: We are complying with your request to offer you a summary on the case of Mrs. Irene Ryzev for whom you were kind enough to introduce a bill in the House of Representatives on July 6, 1955, in order to make her immigration possible. We also understand that this matter is being set for hearing in this session before the Committee of the Judiciary.

Mrs. Ryzev's mother, Mrs. Anna Maralian, of 315 M Street, Fresno, is known to our agency since she arrived in this country with her then 11-year-old daughter, Virginia, and Mrs. Maralian's brother, Levon, single and then 49 of age. Mrs. Maralian is widowed, has been a teacher in Russia, her husband has been sent to Siberia as an undesirable and has been gone for good since that time. Another elderly widowed sister, Mrs. B. Masmajian, came with her to the United States but died of cancer about 3 years ago in Fresno. Another brother, now almost 70 of age, joined the family in Fresno in 1950 under the DP Act. He is also single. This family fled together during the war into Austria and thereafter remained in DP camps in Austria until sponsored by the Armenian organization. While the Maralian family settled in Fresno and later on purchased the house they are now living in, they left behind in Austria two daughters, Irene Ryzev with her DP husband and baby, and Kitty, a nurse, married to an Austrian and, therefore, resettled in Austria.

From our early contacts with this family we had the strong impression of their being a closely woven family unit with much attention

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centering around the very talented now 17-year-old Virginia, a Roosevelt High School student who due to her fluency in many languages frequently acted as the mouthpiece of the family. Their attitude toward integration into American life was extremely positive from the beginning and in many ways they expressed their gratitude of having had the privilege of enjoying the wonderful freedom of this country. They are also highly regarded by the Armenian organization.

For years the family tried hard to support themselves adequately. Brother Levon usually had steady work as a painter, brother Moses, with a foot impediment, tried many jobs such as a farm worker, gardener, and has been a dishwasher for a local hotel until he got unemployed about a year ago. During this Christmastime he was a bellringer for the Salvation Army. Mrs. Anna Maralian did farmwork, housework, packinghouse work, and other temporary and odd jobs during the past 5 years. She now works part time cleaning furniture at the Chicago Furniture Store, although she is not feeling well at all. She had an operation a few years ago and does not appear very strong. The illness and death of her sister, Mrs. B. Masmajian, has been a heavy financial burden to this family. A very crisis arose when brother Levon, the steady supporter, broke his knee in September while doing a private painting job, and there exists some doubt whether he will ever be able to continue with his trade. Unfortunately the insurance covers only part of the medical expenses incurred and nothing else. I am mentioning their employment history to show you the serious and honest efforts this family made to remain independent in spite of the obvious obstacles which had arisen during the past 5 years.

While this family is grateful to be here, the separation from Irene who remained in Austria with her family has quite hit this family, not only mother Maralian but the whole family. It appeared that Irene was very close to her mother who tried everything to facilitate Irene's immigration, who, however, was rejected by the United States consul for medical causes throughout these past 5 years. There was constantly the question that Irene had been cured of tuberculosis as she was home for years from the sanatorium, bore a child, and apparently was not contagious at all. Affidavits of support were submitted, various medical statements, but to no avail. In 1952 large X-ray pictures were forwarded to us with medical statements from Austrian M. D.'s indicating that the TB was arrested, and we had Dr. Evans, lung specialist, and Dr. Geschke evaluate these plates with the result that they also diagnosed it as arrested. In 1954 while reexamined by the public health doctor through the United States consulate in Austria, TB was still diagnosed, and in 1955 she was rejected again for the same reason with the indication that it improved, but a period of 4 to 5 years might have to pass until medically eligible for immigration. This—in the eyes of the family—hopeless situation is very upsetting to them. Irene lost all hope to be reunited with the family, and her husband, Eugen Ryzev, a clerical worker in Austria, French born with excellent English, feels more than frustrated of being forced to remain in Austria which after the withdrawal of the occupation troops may not be too hospitable to him as a foreigner. The Maralian family here, who tried their best to help, may face the situation when Eugen Ryzev's support is needed as most of the Maralians are dis-

abled. That's why she was taking the liberty to ask you for help in form of a private bill.

In regard to the Maralians' alien status, we are happy to report that mother Anna Maralian became naturalized in the Fresno superior court last month while Levon and Moses study for their citizenship examination after having taken out their first papers after their arrival here.

In regard to complying with the immigration laws concerning the public-charge clause, a friend of the Maralians, Mr. Ralph Cross, a local businessman, offered once sponsorship of Irene and shall do so again if so requested in form of affidavits of support. We are almost sure that other citizen friends of the Maralians would cosponsor and extend a great deal of assistance on behalf of the prospective beneficiary of a successful private bill.

As the casework supervisor of the institute for the past 9 years and being closely acquainted with this family I feel that they are deserving a break, and I do trust you, honorable sir, to do as you have certainly done in the past, your very best to assist this family in their endeavor, although I do also know as a specialist in this work of the present difficulties of the passing of a private bill.

May I personally express my highest regard for your work, and remain,

Very sincerely yours,

WALTER COLETT,
Casework Supervisor.

Ursula Gerlinde Reinhardt Meinz—H. R. 7625, by Mr. Derounian

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., December 28, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7625) for the relief of Ursula Gerlinde Reinhardt Meinz, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y. office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease, and would authorize the alien's admission for permanent residence if she is found to be otherwise admissible under the provisions of that act under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare may deem necessary to impose. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge and to insure that such conditions and controls are complied with.

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It should be noted that the bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE URSULA GERLINDE REINHARDT MEINZ, BENEFICIARY OF H. R. 7625

The information in this case was furnished by Howard W. Meinz, the husband of the beneficiary.

Ursula Gerlinde Reinhardt Meinz who was born on October 20, 1929, is a native and citizen of Germany. She married Mr. Meinz in that country on June 18, 1955. Mrs. Meinz resides at Oberotterbach, Germany, with her parents and a brother. Her husband furnishes $25 a week to provide for her necessary needs. Mrs. Meinz is a high-school graduate. From June 1952 to April 1954, she was employed as an interpreter in the 7778th Signal Corps of the United States Army which was then stationed at Kaiserslautern, Germany. Her assets consist of personal property valued at $500.

In February 1954, Mrs. Meinz applied at the United States consulate at Frankfort, Germany, for a visa to enter the United States for permanent residence. She was refused a visa after an examination disclosed that she was afflicted with tuberculosis.

Howard W. Meinz, a native-born United States citizen, served in the United States Army for 6 years and was honorably discharged on September 9, 1954. This service included 3 years overseas duty in Germany. He resides at 191 Elm Street, Roslyn Heights, N. Y., with his parents. Mr. Meinz is employed as a field engineer by the Westinghouse Electric Co., in Baltimore, Md., and receives a salary of $85 per week. His assets consist of $100 in cash savings and $1,500 in personal property.

DEPARTMENT OF STATE,
Washington, October 4, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of August 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Ursula Gerlinde Reinhardt Meinz, beneficiary of H. R. 7625, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Frankfort, Germany, states that the subject alien appeared at that office on January 21, 1955, for a personal interview and a medical examination in order to determine her eligibility for a visa. She was found to have an excludable pulmonary condition and was issued a class A medical certificate.

From the information cited above, it would appear that Mrs. Meinz would be ineligible to receive a visa under section 212 (a) (6) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Mrs. Meinz's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Rabbi Baruch Goldstein—H. R. 7865, by Mr. Rogers of Colorado.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 8, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7865) for the relief of Rabbi Baruch Goldstein, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the excluding provisions of section 212 (a) (6) of the Immigration and Nationality Act, which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form, if he is found to be otherwise admissible under the provisions of that act. Further, the bill provides that admission shall be conditioned upon the depositing of a bond or undertaking pursuant to section 213 of the act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE RABBI BARUCH GOLDSTEIN, BENEFICIARY OF H. R. 7865

Information concerning this case was obtained from Mrs. Rifka Kohn, a sister-in-law of the beneficiary.

Rabbi Baruch Goldstein, born on February 17, 1890, is a native of Poland, and is now stateless. He is a widower. The beneficiary resides at a displaced persons camp at Fohrenwold, Germany. He is a graduate of the Rabbinical Seminary at Tomasz, Poland, and served several congregations in his native country. Rabbi Goldstein's only living relatives are his adult children, a daughter and three sons, who are permanent residents of the United States and live in Brooklyn, N. Y.

Rabbi Goldstein resided in Poland from his birth until 1940, when in fear of his life from the invading German Army he fled to Russia. A displaced person, he was returned to Poland in 1946, and soon thereafter was sent to Germany. In June 1955 he applied at the United States consulate at Munich, Germany, for a visa to enter

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this country for permanent residence. He was refused a visa after an examination disclosed that he was afflicted with tuberculosis.

Mrs. Kohn, who is a United States citizen, resides with her husband at 51 Morton Street, Brooklyn, N. Y. She is employed as a teacher by the Beth Jacob Hebrew Schools in New York City and receives a salary of $95 per week. Mrs. Kohn has $9,500 in cash savings and personal property valued at $3,000. Mrs. Kohn stated that Rabbi Goldstein, if admitted to this country, will reside at her home or with one of his children.

DEPARTMENT OF STATE,
Washington, September 20, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of August 15, 1955, and its enclosures, wherein you requested a report of the facts in the case of Rabbi Boruch Goldstein, beneficiary of H. R. 7865, 84th Congress, 1st session.

A check of the Department's files shows that the American consulate general at Munich, Germany, reported recently that Rabbi Goldstein is afflicted with tuberculosis. His case was reviewed by a Public Health Service tuberculosis consultant those finding indicated that the disease revealed by the X-rays was of such a nature and extent that medical approval in the foreseeable future was doubtful.

From the information cited above, it would appear that Rabbi Goldstein would be ineligible to receive a visa under section 212 (a) (6) of the Immigration and Nationality Act.

At this time the Department has no knowledge of any factor in Rabbi Goldstein's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any ground of ineligibility which may come to light prior to visa issuance would preclude him from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Francesco Occhiuzzi—H. R. 8021, by Mr. Donovan

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., March 29, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8021) for the relief of Francesco Occhiuzzi, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease and would authorize the alien's admission for permanent residence, if he is otherwise admissible under that act. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FRANCESCO OCCHIUZZI, BENEFICIARY OF H. R. 8021

Information concerning this case was obtained from Elda Serranti, the sister of the beneficiary.

The beneficiary, Francesco Occhiuzzi, a citizen of Italy, was born on January 2, 1922, at Acquappesa, Cosenza, Italy. He is single and resides in Rome, Italy. In addition to elementary and high-school education, the beneficiary had 4 years attendance at an aviation academy in Italy. He is presently attending the University of Rome, where he is a law student. He receives a pension of $95 monthly from the Italian Government for disability, having contracted tuberculosis while attending the aviation academy as a cadet. He also receives $100 monthly from his parents, Mr. and Mrs. Dante Occhiuzzi, who are citizens and residents of the United States. The beneficiary has no other relatives.

The sponsor, Elda Serranti, was born on December 20, 1923, at Acquappesa, Cosenza, Italy, and is a naturalized citizen of the United States. She married Enrico Serranti on June 7, 1952, in Rome, Italy. Mr. Serranti is a permanent resident of the United States. The sponsor is a housewife and has a 1-year-old child born in the United States. She and her husband have joint assets consisting of $500 in the bank, $600 in furniture, and $1,000 in clothing and personal effects. Mr. Serranti is employed as a claims clerk by American International Underwriters Corp., 102 Maiden Lane, New York City, and earns $65 per week. The parents of the beneficiary are both gainfully employed, the father as manager and cook, earning $100 weekly, and the mother as a sewing machine operator, earning $70 weekly. The combined assets of the parents consist of $4,000 cash in the bank and lots valued at $6,000 on Long Island, N. Y.

DEPARTMENT OF STATE.
Washington, March 15, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 23, 1956, requesting a report of the facts in the case of Francesco Occhiuzzi, the beneficiary of H. R. 8021 which was introduced by Mr. Donovan on January 3, 1956.

The files of the Department contain a report dated February 13, 1956, from the consulate general at Naples, Italy, indicating that

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Francesco Occhiuzzi received a medical discharge from military service in 1949 because of tuberculosis. He has not been medically examined in connection with a formal visa application but was given a preexamination by an officer of the United States Public Health Service on March 9, 1955, and a diagnosis was deferred for 6 weeks pending reports of laboratory tests. He was reexamined on August 3, 1955, and his case was deferred until March 1956 for reexamination by chest X-ray. Mr. Occhiuzzi is the beneficiary of an approved petition for fourth-preference status under the Italian quota and his case is being processed under section 4 (a) (6) of the Refugee Relief Act of 1953, as amended.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Mrs. Grazia Schipani—H. R. 8022, by Mr. Donovan

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., March 29, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8022) for the relief of Mrs. Grazia Schipani there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States, aliens who are afflicted with tuberculosis in any form and would authorize the alien's admission for permanent residence if she is found to be otherwise admissible. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. GRAZIA SCHIPANI, BENEFICIARY OF H. R. 8022

Information concerning this case was obtained from Mr. Vincent Schipani, the beneficiary's husband and sponsor of the bill.

Vincent Schipani was born May 20, 1915, in Naro, Italy, and is a citizen thereof. He married Grazia Schipani, a native and citizen of Italy, on October 15, 1938. Mrs. Schipani was born March 9, 1915, and resides at Vicolo Carcione 5, Naro, Italy. Four children are the issue of such marriage: Alfonso, born July 21, 1939; Calogero, born March 30, 1941; Anna, born August 21, 1942; and Giovannina, born February 8, 1949. The children were all born in Naro, Italy.

Mr. Schipani has 1 sister residing in New York City and 3 sisters and 2 brothers residing in Naro, Italy.

Mr. Schipani is a construction laborer by trade and earns approximately $100 per week when employed. His assets consist of $700 on deposit in a savings bank, in addition to furniture and personal belongings.

Mr. Schipani and his four children were admitted to the United States for permanent residence on May 17, 1955, and have been residing in New York City since then. Grazia Schipani was refused a visa by the American consul in Palermo, Italy, because she was found to be suffering from tuberculosis. Mr. Schipani states that three physicians who examined his wife have attested that her tuberculosis condition is in an arrested state.

DEPARTMENT OF STATE,
Washington, March 16, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 23, 1956, requesting a report of the facts in the case of Mrs. Grazia Schipani, the beneficiary of H. R. 8022, which was introduced by Mr. Donovan on January 3, 1956.

The files of the Department contain a report dated February 20, 1956, from the consulate general at Palermo, Italy, indicating that Mrs. Schipani applied for an immigrant visa in 1955 under the provisions of the Refugee Relief Act with her husband and their four minor children. Mr. Schipani was issued an immigrant visa on April 28, 1955. However, Mrs. Schipani was found by the medical officer of the United States Public Health Service to be suffering from tuberculosis and this diagnosis was confirmed under date of July 19, 1955, by the United States Public Health officer at the Embassy in Paris to whom Mrs. Schipani's X-ray film was sent for consideration.

The report indicates that except for the medical condition referred to there is no reason to believe that Mrs. Schipani would be unable to qualify to receive an immigrant visa. The report adds that the four children of Mr. and Mrs. Schipani have remained with their mother in Italy. In the event that H. R. 8022 should be enacted the consul will be able to give prompt consideration to the applications of Mrs. Schipani and her four children for immigrant visas upon the receipt of a petition filed by Mr. Schipani with the Immigration and Naturalization Service and approved by the Attorney General.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

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Mrs. Carla Corsi DiGloria—H. R. 8095, by Mr. Walter

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., March 8, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8095) for the relief of Mrs. Carla Corsi DiGloria, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease, and would authorize the alien's admission for permanent residence under such conditions and controls as the Attorney General may deem necessary to impose after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, if she is otherwise admissible under that act. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. CARLA CORSI DI GLORIA, BENEFICIARY OF H. R. 8095

Information concerning this case was obtained from the beneficiary's husband, Ferdinando DiGloria.

The beneficiary, a native and citizen of Italy, was born on March 26, 1924, at Ballano, Italy. She married Ferdinando DiGloria at Verona, Italy, on July 8, 1950. One child, Masimo Calajero DiGloria, was born of this marriage at Bieme, Switzerland, on November 11, 1951. He is a citizen of Italy and resides with the beneficiary in Verona, Italy.

The beneficiary attended school in her native country for 5 years. Her parents and two sisters reside in Italy. She also has 1 sister and 1 brother who reside in Switzerland. She is a housewife and is dependent upon her husband for support. The beneficiary has never been in the United States. She applied for an immigrant visa at the American consulate in Genoa, Italy, in August of 1954. However, she was found ineligible to receive such visa as she was afflicted with tuberculosis.

The beneficiary's husband, Ferdinando DiGloria, was born on March 18, 1921, at Sommatino Italy. He was admitted to the United States as an immigrant in July of 1953. He presently resides at 1022 Ferry Street, Easton, Pa. Mr. DiGloria's usual occupation is that of a barber. However, he is presently employed as a laborer by the Ingersoll Rand Co., Phillipsburg, N. J., at an average weekly

salary of $65. His assets consist of cash savings in the amount of $500. Mr. DiGloria states he sends the beneficiary an average of $100 monthly for her support.

Mr. DiGloria indicates that the beneficiary had been hospitalized for treatment of tuberculosis. However, she was recently discharged as it was determined that the tuberculosis was arrested.

The committee may wish to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary.

DEPARTMENT OF STATE,
Washington, February 24, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 13, 1956, requesting a report of the facts in the case of Carla Corsi DiGloria, the beneficiary of H. R. 8095, which was introduced by Mr. Walter on January 3, 1956.

The Department's files contain a report dated February 1, 1956, from the consulate general at Genoa, Italy, stating that Mrs. DiGloria was found to be ineligible to receive an immigrant visa under section 212 (a) (6) of the Immigration and Nationality Act upon the basis of a medical examination by an officer of the United States Public Health Service on August 19, 1954. She was then examined on August 1, 1955, but was not found to be eligible for medical clearance. She was informed at that time that she may be given a further medical examination in August 1956.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

THE FOREIGN SERVICE OF
THE UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Genoa, Italy, January 17, 1956.

Hon. FRANCIS E. WALTER,
House of Representatives, Washington, D. C.

MY DEAR MR. WALTER: The receipt is acknowledged of your letter dated January 11, 1956, in which you requested to be informed of the present status of the immigrant visa application of Mrs. Carla Corsi DiGloria, the wife of Mr. Ferdinando DiGloria of Easton, Pa., a legally admitted resident alien. You also stated that you had introduced a private bill on behalf of Mr. DiGloria.

As I explained to you in my letter of September 19, 1955, Mrs. DiGloria was refused an immigrant visa on October 12, 1954, under section 212 (a) (6) of the Immigration and Nationality Act as a person afflicted with tuberculosis. She was again examined on August 1, 1955, but she was unable to meet the health requirements of the United States Public Health Service. At that time, she was informed that she may appear for another examination after a period of 1 year,

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that is, in August 1956. I shall be pleased to advise you of the results of that examination.

Sincerely yours,

GERALD A. MOKMA,
American Consul General.

Lydia Stack (Stachulski)—H. R. 8970, by Mr. Lesinski

AUGUST 30, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9571) for the relief of Lydia Stack (Stachulski), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich. office of this Service, which has custody of those files. According to the records of this Service, the correct name of the beneficiary is Lydia Marie Stack.

The bill provides that the beneficiary may be admitted to the United States for permanent residence, if otherwise admissible, notwithstanding the provisions of the Immigration and Nationality Act which exclude from admission aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous, contagious disease.

As the spouse of a citizen of the United States, the beneficiary, if otherwise admissible, is entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LYDIA MARIE STACK, BENEFICIARY OF PRIVATE BILL H. R. 9571

Information concerning the beneficiary was obtained from Mr. and Mrs. John Stachulski, 5455 Chopin, Detroit, Mich. Mr. and Mrs. Stachulski are the parents of Milton Stack, the beneficiary's husband.

Lydia Marie Stack, nee Viet, a native and citizen of Czechoslovakia, was born on February 4, 1925. She has never resided in the United States. She received an elementary-school education in her native country and was employed as a factory worker in Rugland, Germany, in 1947 and 1948. The beneficiary has also been employed as a waitress in Rugland, Germany. On October 21, 1953, in Rugland, Ansbach, Germany, she was married to Milton Stack, a citizen of the United States. The beneficiary and her husband have no children, but the beneficiary is the mother of a 3-year-old boy, Tom Viet.

On February 17, 1954, this Service approved the petition of Milton Stack for the issuance of a nonquota immigrant visa for the beneficiary. On March 25, 1954, the American consulate office in Ansbach, Germany, denied a visa to the beneficiary. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Milton Anthony Stack (Stachulski), husband of the beneficiary, was born on August 14, 1928, at Detroit, Mich. He is a high-school graduate and attended college for 2 years prior to his induction into the Armed Forces of the United States on November 21, 1950. He served overseas in Germany for approximately 2½ years and returned to the United States and was honorably discharged in March of 1953. In September of 1953, he returned to Germany, where he was married to the beneficiary as above stated. He is employed in Karlsrue, Germany, as a civilian clerk. He resides with his wife and his wife's child in Karlsrue, where he is attached to the Headquarters Dependents School Detachment, 7755th Army Unit, APO 264, care of Postmaster, New York, N. Y.

John Joseph Stachulski, the father of Milton Stack, was born on September 1, 1892, in Dzierzkowice, Poland. He is a naturalized citizen of the United States. He has been employed by the Kelsey-Hayes Wheel Co., 6150 McGraw Avenue, Detroit, Mich., since April 9, 1934. He earns $2.06 per hour as a lathe operator. He resides with his wife, Mary, at 5455 Chopin Street, Detroit, Mich. Both Mr. and Mrs. John Stachulski have testified that in the event the beneficiary is permitted to enter the United States, the young people will make their home with the Stachulskis. Mr. and Mrs. John Stachulski have assets of approximately $25,000.

DEPARTMENT OF STATE,
Washington, August 9, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of June 21, 1954, and its enclosures, wherein you request a report of the facts in the case of Lydia Stack (Stachulski), beneficiary of H. R. 9571, 83d Congress, 2d session.

The American consulate general at Munich, Germany, has reported that in connection with an application for a nonquota visa executed by Mrs. Stack on March 25, 1954, she was certified by the United States Public Health Service physician to be suffering from tuberculosis. She will be eligible for medical reexamination in March 1955.

Section 212 (a) (6) of the Immigration and Nationality Act renders ineligible to receive visas and excludable from the United States aliens who are afflicted with tuberculosis in any form. As a consequence, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of an immigrant visa to Mrs. Stack.

At this time the Department has no knowledge of any factor in Mrs. Stack's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Stack from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State.)

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HOUSE OF REPRESENTATIVES,
Washington, D. C., April 5, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration,
Committee on the Judiciary, House of Representatives,
Washington 25, D. C.

DEAR MR. CHAIRMAN: I refer to H. R. 8970, a bill for the relief of Lydia Stack (Stachulski), which has been docketed for consideration by your committee.

It would be greatly appreciated, if in view of the following facts, early action could be taken on this case.

Lydia Stack, nee Viet, a native and citizen of Czechoslovakia, was born on February 4, 1925. On October 21, 1953, in Rugland, Ansbach, Germany, she married Milton Stack, a citizen of the United States and resdient of the 16th District of Michigan. Upon applying for a nonquota immigrant visa, Mrs. Stack was discovered to be suffering from tuberculosis and therefor excludable from the United States under section 212 (a) (6) of the Immigration and Nationality Act.

In a letter to the chairman of the Judiciary Committee on March 21, 1951, I forwarded certain other pertinent information on this case.

Mrs. Stack's husband is presently employed in a civilian capacity with the United States Government in Germany and his tour of duty expires in May 1956. He plans to return to the United States at that time and wishes to bring his family with him.

I would be most grateful for any action that the committee is able to take to act on this bill as quickly as possible.

Thanking you for your consideration, I am

Sincerely yours,

JOHN LESINSKI,
Member of Congress.

Yvette Nedelec—H. R. 6929, by Mr. Pillion

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., January 17, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6929) for the relief of Yvette Medelec, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of those files.

The bill would permit Yvette Medelec, and her minor child, Laura Nedelec, if otherwise admissible, to enter the United States as temporary visitors for 3 months, except that the excluding provisions of section 212 (a) (6) of the Immigration and Nationality Act, which prohibits the admission to the United States of aliens afflicted with tuberculosis in any form, shall not apply to Yvette Nedelec, provided she is coming to the United States with a bona fide intention of marrying John Irish, a citizen of the United States. The bill requires that a

bond be posted to insure that the beneficiary shall not become a public charge.

The bill further provides that in the event of her marriage to John Irish, within 3 months after admission, she and her minor child would be granted permanent residence as of the date of payment of the required visa fees. If the contemplated marriage does not take place, Miss Nedelec, and her minor child, Laura Nedelec, would be required to depart from the United States, and upon their failure to depart, they would be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE YVETTE NEDELEC, BENEFICIARY OF H. R. 6929

The information concerning this case was obtained from John Irish, fiance of the beneficiary.

The beneficiary, Yvette Nedelec, a native and citizen of France, was born July 29, 1932. She resides at 4 Rue Alexandre Bontemps, Versailles, France, is unemployed, and has never been in the United States. Her education consists of the equivalent of our American grammar school. Although unmarried, Miss Nedelec has an infant child, Laura Nedelec, born March 7, 1955. The father and mother of the beneficiary reside in Finistere, France.

Miss Nedelec met John Irish in September 1952, while he was stationed in Versailles with the United States Army. In November 1953 she went to live in an apartment furnished by John Irish. He visited her there and as a result of this arrangement a child was born. The paternity of the child is acknowledged by Mr. Irish. The beneficiary and her child are supported by John Irish who, until May 31, 1955, sent her approximately $160 per month from his Army pay and mustering-out pay. He was discharged May 31, 1955.

Mr. Irish testified that he and Miss Nedelec attempted to marry in January 1954, but the Army would not grant permission when the beneficiary was refused an immigrant visa by the American consulate in Paris, France, because her X-ray revealed a lung spot. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

John Irish was born in Buffalo, N. Y., on June 11, 1928. He was inducted into the United States Army on December 14, 1950, and stationed in Versailles, France, from July 1952 to November 1954. In September 1954, he was stricken with polio and was taken to the Second General Hospital, Lanbsthul, Germany. On November 6, 1954, he was returned to the United States and taken to the United States Naval Hospital, St. Albans, N. Y. Since May 1, 1955, he has been a patient in the Veterans' Administration Hospital, Buffalo, N. Y. Mr. Irish testified that he has been adjudged 100 percent disabled, retroactive to June 1, 1955.

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HOUSE OF REPRESENTATIVES,
Washington, D. C., May 23, 1954.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration,
House Office Building.

DEAR CHAIRMAN WALTER: This is to refer to H. R. 6929 which I introduced on behalf of Miss Yvette Nedelec.

I would like to bring to your attention a brief résumé of the circumstances of this case.

Sgt. John Irish, presently a patient at the United States Naval Hospital, St. Albans, N. Y., was stationed at SHAPE Headquarters near Versailles, France, in 1953 and 1954. While there he met and fell in love with a French girl by the name of Yvette Nedelec; however, before they could be married, John contracted polio and was shipped to St. Albans Hospital in New York. Yvette made an application for a visa to enter the United States but upon a physical examination it was determined that she had a spot on one lung and her application was denied. She was expecting a child at this time.

John's father, Harold Irish, of 195 Pleasant Avenue, Hamburg, N. Y., who has been associated for many years with the Merchants Mutual Insurance Co., contacted me stating that John desired to marry this girl as soon as possible and would like their child to be born in the United States.

The Irish family are substantial citizens and I have every reason to believe that John and Yvette will be married immediately upon her entrance into the United States and that full support for her and for the child will be provided.

Sincerely yours,

JOHN R. PILLION.

Kalman Novak—S. 4090

The beneficiary is a 58-year-old native of Hungary, who presently resides in Austria. He first applied for a visa to enter the United States in 1949, but such visa was denied inasmuch as it was discovered that he was afflicted with tuberculosis. In August 1951, the beneficiary's wife and son were admitted to the United States for permanent residence, and his son is now a citizen of the United States, and is also a veteran of our Armed Forces. It is stated that the beneficiary's tubercular condition is now arrested. Without the waiver provided for in the joint resolution, the beneficiary will be unable to join his family in the United States.

Senator George H. Bender, the author of the bill, submitted the following telegram and letters in support of the bill:

CLEVELAND, OHIO, *June 14, 1956.*

Senator GEORGE H. BENDER,
Senate Office Building, Washington, D. C.

DEAR SENATOR: I thank you very much for your kind reply. Following are data requested.

My father's name is Kalman Novak, Salzburg, Gnigl, Kuhbergstrasse 14, Austria.

Born August 9, 1897, Kormend, Hungary.

First applied for migration May 1949.

Appeared for Public Health examination on August 10, 1949.

Rejected due to pulmonary tuberculosis; took approximately 30 examinations until August 1951 which resulted in inactive and negative findings.

In August 1951 my mother, Mrs. Maria Novak and I, Kalman Novak, Jr., arrived in Cleveland.

I received my naturalization certificate on May 20, 1954, upon honorable discharge from United States Air Force.

My mother is eligible for citizenship after August 3, 1956.

Diagnoses during the past 7 years by Austrian, German, and American experts on tuberculosis found my father's condition to be fully arrested and completely unchanged yet the Public Health Service officials kept on rejecting him according to present immigration regulations.

His case never required hospital care, attendance at the sanitarium or even the slightest medical treatment. This cruel separation is a heavy burden for our family especially for my mother whose poor health became worse during this continued tension.

Additional information will be rushed to you if necessary; please help us if possible.

May God bless you for your generous cooperation.

Respectfully yours,

KALMAN NOVAK, Jr.

DEPARTMENT OF STATE,
Washington, June 28, 1956.

The Honorable GEORGE H. BENDER,
United States Senate.

DEAR SENATOR BENDER: I refer to your interest in the visa case of Mr. Kalman Novak, which Mrs. Terry of your office discussed over the telephone with a member of the Department.

The files of the Department indicate that Mr. Novak was found in 1954 to be ineligible to receive a visa under section 212 (a) (6) of the Immigration and Nationality Act, as a person afflicted with tuberculosis. The X-rays pertaining to Mr. Novak were submitted for examination to the Public Health Service of the Department of Health, Education, and Welfare, at Washington, and the finding of Mr. Novak's tubercular condition was confirmed.

The files of the Department do not reveal any other ground of ineligibility to receive a visa other than that under section 212 (a) (6) of the act.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

EAST SIDE COUNTY CLINIC,
Cleveland 3, Ohio, June 21, 1956.

Re Mr. Kalmen Novak, 14 Kuhbergstrasse, Salzburg Gnigl, Austria, Europe.

To Whom It May Concern:

This clinic is the admitting office for both the local tuberculosis hospitals, Lowman Pavilion and Sunny Acres.

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This is to advise you that since Mr. Kalmen Novak will become a resident of this county upon his arrival in the city of Cleveland, we will provide a bed for him at 1 of the 2 local tuberculosis hospitals and will observe the recommendations of the chief quarantine officer regarding his care and disposition.

Mr. Kalmen Novak, Jr., son of the patient, has agreed to pay for the hospital care of his father.

We would appreciate having a few days' notice prior to the patient's arrival in Cleveland.

Very truly yours,

J. B. STOCKLEN, M. D.,
Controller of Tuberculosis for Cuyahoga County.

Boyana D. Boyovitch—S. 3403

The beneficiary is a 43-year-old native of Yugoslavia, who presently resides in France, with her daughter. The beneficiary is a widow, her husband having lost his life during World War II while serving with the resistance movement in Yugoslavia. Her mother is a lawful permanent resident of the United States and her brother is a United States citizen In 1951, the beneficiary was denied a visa insamuch as it was found that she was suffering from tuberculosis. Without the waiver provided for in the joint resolution, the beneficiary will be unable to accompany her daughter to the United States to join their family.

Senator Edward J. Thye, the author of the bill, submitted the following letters in support of the bill:

UNITED STATES SENATE,
Washington, D. C., June 26, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Senate Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR EASTLAND: I am writing you to urge favorable action by the Committee on the Judiciary on S. 3403, the bill which I have introduced to permit entry into the United States for permanent residence of Mrs. Boyana D. Boyovitch, notwithstanding the provisions of section 212 (a) (6) of the Immigration and Nationality Act. The eldest brother of Mrs. Boyovitch, Dr. Slobodan M. Draskovitch, is acting as sponsor in this case. You will no doubt recall that Dr. Draskovitch just recently was called to testify before your Subcommittee on Internal Security on the implications of Tito's visit to Moscow and in 1949 was a temporary member of the staff of the Subcommittee on Immigration for the purpose of preparing a report on Communist activities in the United States. He just recently became a United States citizen.

This particular bill is of special concern to me because of the medical factors involved and the protracted delay and hardships which have been incurred because of the medical inadmissibility of Mrs. Boyovitch since 1951, when her visa was denied because of an unsatisfactory pulmonary condition. This condition has precluded her from entry into this country up to the present time. In this connection I refer you to the attached letters from the American Consul General, Paris, France, dated May 4, 1956, concerning the condition of Mrs. Boyo-

vitch, and June 4, 1956, pertaining to the condition of the daughter, Vukosava. This year it will be 10 years since Mrs. Boyovitch applied for a visa, and 5 years since she took her first medical examination.

At this point, I should like to bring to the attention of the committee specific facts relating to the entire family, which, I feel, will point up the merit of favorable consideration of this bill by your committee during the present session of Congress.

Mr. Boyovitch's husband, the late Dragutin Boyovitch, and her brother, Radoje Draskovitch, both lost their lives in the defense of Belgrade, Yugoslavia, under the resistance movement of General Draza Mihailovich during World War II. Their father, the late Milorad Draskovitch, was one of the leading Serbian statesmen as Minister of War before World War I. In this capacity, he was largely instrumental in outlawing the Communist Party of Yugoslavia, which, in retaliation, was responsible for his murder in 1921.

Mrs. Boyovitch was born May 21, 1913, in Belgrade, Yugoslavia, and graduated from the University of Belgrade in 1934. She later became assistant for the English language and literature on the faculty of the university. In 1939 she married Dragutin Boyovitch, who was an engineer and general manager of a tinplate factory near Belgrade, until he lost his life in the defense of his country in 1944. When Yugoslavia was invaded by the Red Army during World War II, Mrs. Boyovitch fled from Yugoslavia with her 1-year old daughter, and her mother, Mrs. Yovanka Draskovitch. She has been living in Fontenay-aux-Roses (Paris), since 1946, when they applied for a visa to come to the United States. Mrs. Yovanka Draskovitch, the mother now resides in New York City, having come here in 1952.

Mrs. Boyovitch's youngest brother, Dr. Milorad Draskovitch, is now professor of political science at the European College at Bruges, Belgium. He is presently in the United States on a fellowship.

It is hardly necessary to stress how much the long separation, the hardships and frustrations of the last 15 years have affected this entire family. After enduring the tragedies of losing two members of their immediate family during the war, and being forcibly deprived of their freedom and country, they had hoped to be able to reunite in this country but have remained scattered in several countries. Now, for the first time in many years, their hope has been rekindled through the introduction of my bill.

Further protracted delay, which would result if the bill were not to pass this session of Congress, would no doubt cause further physical deterioration in the condition of Mrs. Boyovitch, as well as cause undue hardship to a family which has already endured more than its share of anxiety, heartbreak and upheaval in their lives.

There is every assurance that if Mrs. Boyovitch is permitted to enter the United States her brother, Dr. Slobodan Draskovich, will be wholly able to care for her and to insure her receiving the necessary medical treatment. He is president of the Serbian Cultural Club in Chicago, Ill., and has been active as a writer and lecturer since he came to the United States.

I am deeply hopeful and anxious that the above information and that which is enclosed will be sufficient for favorable consideration of this bill by your committee as soon as possible. I believe the fine background of the entire family speaks for itself—their high moral

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integrity and courage, as well as their obvious anti-Communist record and work in this country and Europe.

I am attaching correspondence from interested friends, which will also be helpful to you in consideration of the bill—namely, a letter from Dr. I. Soubbotitch, who was until the end of World War II first legal adviser to the Yugoslav State Department, and Ambassador Plenipotentiary to the Court of St. James, London—a letter from Mr. Branamir Popovitch, former secretary to King Peter of Yugoslavia, and a letter from Miss Esther Panin, secretary to Congressman Halleck.

Thank you kindly for your attention to this bill. I shall deeply appreciate anything that can be done to consider it for passage by the Senate in the near future.

Sincerely yours,

EDWARD J. THYE, U. S. S.

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN EMBASSY,
Paris, France, May 4, 1956.

The Honorable EDWARD J. THYE,
United States Senate.

MY DEAR SENATOR THYE: I have received your letter of April 27, 1956, enclosing a copy of a private bill, S. 3403, which you have introduced for the relief of Mrs. Bojana D. Bojovitch who has been refused an immigrant visa on medical grounds under the provisions of section 212 (a) (6) of the Immigration and Nationality Act.

You requested a current report on the status of Mrs. Bojovitch's case in order that the appropriate congressional committee may proceed with consideration of the bill.

The United States Public Health Service tuberculosis consultant for Europe last reviewed the X-ray films taken of Mrs. Bojovitch on January 19, 1956. He reported that in his opinion, along with previous tuberculosis consultants who had reviewed the case, the condition in her left lung was unstable and warranted a deferral of an additional 12 months as of December 27, 1955. A report from the medical officer on May 3, 1956, stated that there has been no reason to change this opinion of Mrs. Bojovitch's case.

I have noted your continuing interest in this case and want to assure you that it has received every consideration consistent with the immigration laws and regulations of the United States.

Sincerely yours,

FREDERICK B. LYON,
American Consul General.

THE FOREIGN SERVICE
OF THE UNITED STATES OF AMERICA,
AMERICAN EMBASSY,
Paris, France, June 4, 1956.

The Honorable EDWARD J. THYE,
United States Senate.

MY DEAR SENATOR THYE: This is in reference to the letter from Consul General Frederick B. Lyon, addressed to you on May 23, 1956, concerning the immigrant visa case of Mrs. Bojana D. Bojovitch, for whom you stated in your letter of May 16 that further congressional consideration of private bill S. 3403 was pending the results of a medical examination of her daughter, Vukosava.

In the temporary absence of Mr. Lyon I am pleased to inform you that Mrs. Bojovitch's daughter passed a satisfactory medical examination by the United States Public Health Service on May 25, 1956.

Sincerely yours,

JOHN R. WOOD,
American Consul.

NEW YORK, N. Y., *April 30, 1956.*

Re Mrs. Boyana D. Boyovitch (bill S. 3403).

The Honrable EDWARD J. THYE,
United States Senator,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I am Dr. Ivan Soubbotitch, I am associated with Coudert Bros., attorneys, of which Frederic R. Coudert, Jr., is the senior partner. I am also a professor of law at New York Law School. I was born 60 years ago in Belgrade, Yugoslavia, and was, until the end of World War II, first, legal adviser to the Yugoslav State Department, and then the Yugoslav Permanent Delegation to the League of Nations and Ambassador (Minister Plenipotentiary) to the Court of St. James, London. I am now an American citizen residing at New York (1045 Park Avenue).

May I be permitted to take a few minutes of your time to complete your information in the case of Mrs. Boyana D. Boyovitch, for whom you have kindly introduced a bill, S. 3403.

I have known the Draskovich family over a period of many years. Mrs. Boyovitch's father, the late Milorad Draskovich was one of the leading Serbian and Yugoslav statesmen. He played a role of the first magnitude in World War I as Minister of War. Immediately after the war he was the champion of the struggle against the Communist Party of Yugoslavia, which had achieved great electoral success and was openly inciting to a violent overthrow of the Govern ment. Minister Draskovich was instrumental in outlawing the Communist Party of Yugoslavia, which, in retaliation, organized his murder.

I have also known for a long time Mrs. Boyovitch's mother, Mrs. Yovanka M. Drachkovitch who, after the death of her husband, took upon herself the task of bringing up their four children. I can only say that she accomplished it with success and honor. The eldest son fell in the defense of his country and freedom in World War II. The two other sons, as well as Mrs. Boyovitch, did their utmost in the

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fulfillment of their duties. Dr. Slobodan M. Draskovitch is now a United States citizen. Dr. Milorad Drachkovitch, a professor at the European College at Bruges, Belgium, is now visiting in the United States on a scholarship, which will enable him to learn to know America and to spread knowledge and sympathy for the United States and the American way of life in Europe.

The Boyovitch family is also well known to me. Mrs. Boyovitch's father-in-law, the late Ljubomir Boyovitch was an outstanding career diplomat. In 1944, when the Red Army invaded Belgrade, he fought with rifle in hand, at the age of 65, the onrushing Communist bands and was killed. I have not known personally Mrs. Boyovitch's husband, the late Dragutin Boyovitch, but his life story speaks for itself.

I feel it a duty, my dear Senator, to communicate to you the above information. I sincerely feel that the admission of Mrs. Boyovitch to the United States for permanent residence would not only be greatly beneficial to her, but that the admission of such persons to America is in the best interest of this country.

Very truly yours,

Dr. I. SOUBBOTITCH.

APRIL 26, 1956.

Hon. EDWARD J. THYE,
United States Senator, Senate Office Building,
Washington, D. C.

DEAR SENATOR THYE: It is my understanding that you have introduced a private bill in the United States Senate in behalf of Mrs. Boyana Boyovitch, nee Drachkovitch. You are a man who has always endeavored to protect and help those who are in distress. Because of this I should like at this time to express my great respect and admiration for you in general, and in this particular case.

I have known Mrs. Boyovitch since she was a small child, and I say without any reservation that she is a splended young woman, of great personal integrity, high moral standards and ideals. She was a brilliant student during her school days, and especially interested in the culture and literature of the western world. Her husband lost his life during World War II while fighting with the forces of Gen. Drazha Mihailovitch for the liberation of Yugoslavia. He was a fine and patriotic man, known for his courage and principles.

It was my privilege to know Mrs. Boyovitch's father, mother, and brothers over a period of 30 years. The Drachkovitch family was well known in the educational and public life of Yugoslavia, and was greatly respected for its patriotism, intelligence, and diligence. Mrs. Boyovitch's father lost his life at the hands of a Communist assassin in 1921, while serving his country in the capacity of Secretary of State for Internal Affairs. One of her brothers was killed in action in World War II while fighting in General Mihailovitch's forces for the liberation of his country.

It is my firm belief that Mrs. Boyovitch would greatly contribute to the American way of life, should she be granted permission to permanently reside in the United States. She, her mother, and brother, who are permanent residents of the United States, and their many

friends here will be deeply grateful for this privilege. I warmly commend this case to you for your sympathetic and favorable consideration.

Thanking you once again, sir, for your humane and generous gesture, I am

Respectfully yours,

B. V. POPOVITCH,
Former Secretary to the King of Yugoslavia.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 618), as amended, should be enacted.

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Calendar No. 2484

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2450

CERTAIN ALIENS

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 636]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 636) for the relief of certain aliens, having considered the same, reports favorably thereon with amendments and recommends that the joint resolution, as amended, do pass.

AMENDMENTS

1. On page 1, line 6, strike the name "Thung" and insert in lieu thereof the name "Tsung".
2. On page 1, line 7, following the name "Uhachi", delete the comma.
3. On page 2, after line 9, add the following new section 4:

> SEC. 4. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Cecelia Therese Lynch, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Donald F. Lynch, citizens of the United States.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to provide for the readmission into the United States of 13 aliens, all of whom are former residents of the United States. The joint resolution, as amended, also grants to three minor children adopted or to be adopted by United States citizens the status of nonquota immigrants, which is the status normally enjoyed by the alien minor children of United States citizens. Fifteen of the beneficiaries were included in the joint resolution, as it passed the House of Representatives. The

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joint resolution, as amended, includes the beneficiary of S. 3627. The joint resolution was also amended to correct the spelling of one beneficiary's name and to make one minor technical change.

STATEMENT OF FACTS

The following facts in each case included in the joint resolution, as amended, were contained in House Report 2339 (84th Cong., 2d sess.), and in the files of the Senate Committee on the Judiciary:

Myra Wishnetzky Dromi—H. R. 2482, by Mrs. Kelly of New York

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 15, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2482) for the relief of Myra Wishnetzky Dromi, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service which has custody of those files.

The bill would confer nonquota immigration status upon the beneficiary, a former citizen of the United States, by providing that, for the purpose of section 101 (a) (27) (B) of the Immigration and Nationality Act, she shall be classifiable as a returning resident.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MYRA WISHNETZKY DROMI, BENEFICIARY OF H. R. 2482

Information in this case was furnished by Mr. and Mrs. Morris Wishnetzky, the United States citizen parents of the beneficiary, who reside at 955 Walton Avenue, Bronx, N. Y.

The beneficiary, Myra Wishnetzky Dromi, formerly Myra Barbara Worth, was born on November 16, 1932, in the Bronx, N. Y. She lost her United States citizenship by voting in political elections in Israel in about 1950 and is now considered a citizen of Israel. She married Stanley Worth, a citizen of the United States on August 6, 1950, in New York. This marriage was subsequently annulled on the grounds of nonage in the Supreme Court, County of Bronx, N. Y., on April 19, 1951 (No. 4496/1950). The beneficiary was thereafter married to Moshe Dromi, a native of Bulgaria and citizen of Israel, in Israel on November 21, 1952. The beneficiary and Mr. Dromi reside at Kvutzat Geva, near Affula, Israel, with the minor child, Tamara Irit Worth, whose birth abroad of United States citizen parents has been recorded at the American consul general in Jerusalem, Palestine, and with the minor child, Amir Dromi,

who was born to the beneficiary and her present husband in Israel. The beneficiary and her husband are engaged as communal workers in a state-sponsored agrarian development.

The beneficiary was an undergraduate college student in the United States prior to her departure to Israel in September 1950 in connection with an educational tour. Information regarding the income and financial status of the beneficiary is not available. However, her parents, Mr. and Mrs. Morris Wishnetzky have combined assets amounting to approximately $10,000 in real-estate holdings, approximately $14,000 in savings, and securities and investments valued at approximately $130,000. The beneficiary has two brothers who are citizens of the United States.

According to the parents of the beneficiary, the beneficiary was denied the issuance of a United States passport at the American consulate, Tel Aviv, Israel, in about July 1952. This denial of passport facilities was reportedly based upon a finding by the Department of State that the beneficiary had expatriated herself by voting in a political election in Israel in 1950.

DEPARTMENT OF STATE,
Washington, May 17, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 1, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Myra W. Dromi, beneficiary of H. R. 2482, 84th Congress, 1st session.

A report recently received by the Department from the American Embassy at Tel Aviv, Israel, states that Mrs. Dromi has not yet applied for visa facilities to the United States. Her husband and son, however, have registered under the nonpreference portion of the Bulgarian and Israeli quotas respectively, with registration priority of May 3, 1954. They were suitably advised of the oversubscribed nature of their respective quotas as of June 23, 1954.

The report goes on to mention that Mrs. Dromi is a former American citizen and that a certificate of loss of nationality was approved on May 12, 1954.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mrs. Dromi would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

DEPARTMENT OF STATE,
Washington, December 28, 1954.

Hon. EDNA F. KELLY,
House of Representatives.

DEAR MRS. KELLY: I have received your letter of December 20, 1954, concerning the case of Myra Barbara Wishnetzky Dromi.

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The passport file in the case of Mrs. Dromi shows that she was born in the United States on November 16, 1932, that she went to Israel in September 1950 to settle, and that she was married at Tel Aviv on November 21, 1952, to an alien. According to her sworn statement which she made in connection with her application for documentation as an American citizen, executed at the American Embassy at Tel Aviv on February 8, 1954, she voted in the elections held in Israel on November 14, 1950, that to the best of her knowledge she did not vote in the Israeli election of July 30, 1951, and she did not turn down Israeli citizenship which she acquired under the Israeli nationality law of July 14, 1952, because at that time she thought she had lost her American citizenship.

In view of Mrs. Dromi's allegation that she voted in Israel on November 14, 1950, prior to her 18th birthday, an examination by the American consular officer at Tel Aviv in April 1952 of Mrs. Dromi's Israeli identity book, issued by the Israeli Government on June 20, 1951, revealed a stamp on page 9 thereof attesting to the fact that she voted in Israel on July 30, 1951. Since possession of an Israeli identity card or book is an absolute qualification for voting, it is apparent that Mrs. Dromi could not have voted in the 1950 election before the Israeli identity book was issued to her and before her eighteenth birthday. In the circumstances the Department was of the opinion that she lost citizenship of the United States under the provisions of section 401 (e) of the Nationality Act of 1940. This section of law is set forth in the enclosed excerpt from the act.

Sincerely yours,

R. B. SHIPLEY,
Director, Passport Office.

MYRA DROMI (NEE WISHNETZKY)

November 16, 1932, born as Myra Barbara Wishnetzky, Bronx, N. Y., of Morris Wishnetzky, who came here from Russia in 1906 and was naturalized January 5, 1917, and Helen Wishnetzky, who came from Poland in 1912 and assumed citizenship by virtue of her marriage on February 15, 1917.

February 4, 1947, graduated from Elizabeth Barrett Browning Junior High School of the city of New York, borough of Bronx, after attending Public Schools Nos. 86 and 95, in the Bronx.

January 1950, graduated from High School of Science, Bronx, N. Y., and thereafter attended Brooklyn College for one semester.

August 6, 1950, eloped with Stanley Worth, married in Greenwich, Conn. Said marriage was later annulled by New York Supreme Court decree, dated January 19, 1951, on the ground of minority of the parties.

September 1950, went to Israel, gave birth to daughter, Irith Tamar Worth on November 20, 1950, which was duly registered with the United States consulate in Tel Aviv.

December 1950, applied for return passport to the United States, was informed by a Mr. Todd and a Mr. George that she became denaturalized because of her voting in an Israeli election on November 14, 1950. She then claimed that she did not know and hadn't been informed of her jeopardizing her United States citizenship status by said vote. However, she continued to make efforts to obtain a visa through the

years 1951 and 1952, but in this period the McCarran Act was enacted and it became necessary for her to compete for a place on a very limited quota. She has at all times disclaimed denaturalization as a United States citizen and disclaims Israeli citizenship.

November 21, 1952, married Moshe Dromi, an Israeli citizen with Bulgarian origin, who, too, is very desirous of entry into the United States and to obtain United States citizenship.

August 7, 1953, gave birth to a son, Amir Dromi.

September 1953, filed an explanation with the United States consulate of extended absence from the United States, and was at this time advised by a Mr. Davis, who heard her case, that if proof of her having voted prior to her 18th birthday and of not having participated in the 1953 general election—Israeli national election—were submitted, that same would be sufficient to re-establish her status of a native born United States citizen. However, the latter information, relative to not having participated in the national election of 1953, was and is not available due to the removal of files from Tel Aviv to Jerusalem. Upon her inability to supply this proof, she was advised that she had been denaturalized by virtue of the operation of the Nationality Act of 1940.

During the entire period of her stay in Israel, she has made continued efforts to return to the United States and contends that when she voted in the 1950 local or community election she did so with other Americans who misadvised her as to the effect on her citizenship status and furthermore said voting took place on November 14, 1950, just 2 days before her 18th birthday, as the records will substantiate. Her roots are American, her beliefs and ways of life are fundamentally American, certainly not far eastern. She is loyal to and prizes and loves her country of birth and never knowingly and willingly committed any act detrimental, in her belief, to her U. S. citizenship and never intended to forfeit same.

Wong Ma Chee—H. R. 4150, by Mr. Norblad

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 16, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4150) for the relief of Wong Ma Chee, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Seattle, Wash., office which has custody of those files.

The bill is intended to confer a nonquota immigrant status upon the beneficiary pursuant to section 101 (a) (27) (B) of the Immigration and Nationality Act by providing that she shall be held and considered to be a nonquota returning resident alien. It is noted the bill makes reference to statutory provisions which are no longer applicable.

As a quota immigrant, the beneficiary would be chargeable to the quota for the Chinese.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING WONG MA CHEE, BENEFICIARY OF H. R. 4150

Information concerning the beneficiary was obtained from Elvin Wong, the son and sponsor, who lives at 222 Commercial Street, Astoria, Oreg.

The beneficiary, Wong Ma Chee, also known as Mar Shee Wong, was born on January 18, 1889, at Jee Na Hong, Province Pah Sha, Kwangtung, China, and is a citizen of that country. She is the widow of Wong Sang, a native-born citizen of the United States who died in Astoria, Oreg., in 1931. She has 4 children, Elvin, age 38; Clara Lum, age 35; Norman, age 34, and May Yee, age 33. Her three elder children are married, citizens of the United States, and living in Astoria, Oreg. Her youngest child is also married and living in Formosa. The beneficiary is living at 683 Nathan Road, Kowloon, Hong Kong, China. She is unemployed and has no formal education, special skill or profession. She has no income or assets. Information as to her father, Mar Lon, and mother, Wong Chee, is not available.

The beneficiary came to the United States on June 18, 1918, and lived with her husband in Astoria, Oreg., until his death. In October 1933 she returned to China with her three younger children, indicating she intended to remain there permanently. Elvin Wong, her eldest child and sponsor, departed from the United States to China on November 1, 1930, and returned to this country on October 15, 1935. He is married and has three children. He is a veteran of World War II, having served honorably in the United States Army from 1942 to 1945. He is presently employed by the Columbia River Packers Association at Astoria, Oreg., at a salary of $5,000 per year. He owns personal property valued at $3,000, United States savings bonds in the amount of $5,000 and a savings account of approximately $1,000. Norman Wong, the other son of the beneficiary, is also a veteran of World War II, having served honorably in the United States Army from 1943 to 1946.

The beneficiary is supported entirely by her three children living in Astoria, Oreg. They contribute approximately $900 per year to the support of their mother.

DEPARTMENT OF STATE,
Washington, June 10, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Wong Ma Chee, beneficiary of H. R. 4150, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated March 31, 1955, from the American consulate general at Hong Kong.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mrs. Wong would be eligible in all respects to receive a visa.

I would like to take the opportunity to point out to the committee that in H. R. 4150, the reference to section 4 (b) of the Immigration Act of 1924, as amended, should read instead section 101 (a) (27) (B) of the Immigration and Nationality Act of 1952.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

MARCH 31, 1955.

To: The Department of State.
From: American Consulate General, Hong Kong.
Subject: Visas, immigrant case of Wong Ma Chee.
Ref: Department's OMV No. 343 dated March 16, 1955.

Subject is a 66-year-old Chinese female who is registered under the second preference catagory of the Chinese quota as of February 20, 1953.

She states that she first entered the United States in about 1918, and resided for the next 15 years in a small town near Portland, Oreg. Her husband, Wong Sang, died in 1931 and subject, finding it increasingly difficult to support her four children and herself, left the United States for China in 1933.

Subject claims to have intended, at the time of her departure, to return shortly to the United States, however it is noted that she (by her own admission) did not secure a reentry permit, and left taking all her children with her. She then resided in China, principally at Canton, but did not for the next 20 years present herself at any American consular office as an applicant for documentation to return to the United States, and this although her eldest son had been in the United States since 1935, and her second son since 1937. It was only in February 1953, fully 20 years since she had left that she took steps to return to the United States, and then not by claiming the status of a returning resident alien, but rather by registering on the quota.

She is not believed to be eligible for consideration as a returning resident alien within the meaning of the law.

Enclosed is an affidavit given by subject on March 31, 1955.

COLONY OF HONG KONG,
Consulate General of the United States of America, ss:

Before me, Harvey J. Feldman, vice consul of the United States of America in and for the British Crown Colony of Hong Kong, duly commissioned and qualified, personally appeared Wong Ma Chee who, being duly sworn deposed and stated in the Chinese language, translated into the English language by a duly qualified translator as follows:

My name is Wong Ma Fung and I am also known as Wong Ma Chee. I am a Chinese female and a citizen of China. I was born

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in Chee Na Hom village, Toishan District, Kwangtung Province, China, about 66 years ago. My husband was Wong Sam who was a citizen of the United States and who died in the United States in about 1931. My husband and I had four children:

Wong Jin Ho, who is an American citizen and is presently living in the United States;

Wong Chuey Sing, who is an American citizen and is presently living in the United States;

Wong Jin Loy, an American citizen presently living in the United States;

Wong Chuey May, an American citizen presently living in Taipei, Taiwan.

I first entered the United States, as the wife of an American citizen, through the port of Seattle in about the year 1918. For about 15 years I resided in a small town near Portland, Oreg. I left the United States in about the year 1933 through the port of Seattle.

I returned to China because I had no one in the United States to support my children and myself. I knew that relatives in China would help me. At the time I left the United States I intended to return. I did not, however, apply for a reentry permit. I did not apply at any American consular office for permission to return until 1953.

Since leaving the United States, I have resided in China, principally at the city of Canton. About the year 1953, my eldest son, Wong Jin Ho, told me to come to Hong Kong and apply to reenter the United States.

I make this affidavit freely and voluntarily in order to assist the Foreign Service and the Congress of the United States in determining under which immigration category I may apply, and I further wish to state that the photograph attached below is a true and recent likeness of myself.

And further deponent saith not.

_____.

I hereby certify that I know the English language and the Cantonese dialect of the Chinese language and that I have truly and impartially translated the statements made in Chinese by the affiant as set forth above.

CISSY AU.

Subscribed and sworn to by Wong Ma Fung and Cissy Au before me this 31st day of March in the year 1955.

HARVEY J. FELDMAN,
Vice Consul of the United States of America.

FIRST BAPTIST CHURCH,
Astoria, Oreg., March 3, 1955.

MR. EMANUEL CELLER,
Chairman, Judiciary Committee,
Care of House of Representatives, Washington, D. C.

DEAR SIR: I am writing for the purpose of calling to your attention a bill (H. R. 4150) which was initiated by the relatives of Mrs. Wong Ma Chee of Astoria, Oreg.

I am presonally acquainted with the Lum family here in Astoria and am their pastor. I am just one of the many who know the Lums and am acquainted with their humble desire to have Mrs. Wong Ma Chee with them. The Lum family are outstanding citizens of this city and have given a good account of themselves in the adoption of our American way of life.

They are greatly concerned about the health and welfare of Mrs. Wong Ma Chee who is Mrs. Lum's mother and are anxious to obligate themselves in having her with them.

It is my thinking in this matter that we would be serving an interest in keeping with our American standards by doing whatever we can in making this family union a reality. Knowing firsthand of the integrity of the Lum family, we need have no anxieties about Mrs. Wong Ma Chee becoming a public charge. Little would it benefit us to slow down or prevent our political machinery from moving in the direction necessary to make this elderly person's life more meaningful in her last years. Therefore, anything you might be able to do to assist in removing whatever barriers are necessary to allow Mrs. Wong Ma Chee to become a resident of America would be appreciated.

Yours respectfully,

Rev. Clyde B. Woods,
Secretary, Astoria Council of Churches.

Clatsop County,
Astoria, Oreg., March 4, 1955.

Re H. R. 4150 (Wong Ma Chee).

Hon. Emanuel Celler,
Chairman, Judiciary Committee,
House of Representatives, Washington, D. C.

Dear Sir: My attention has been called to the matter of a bill introduced in the House of Representatives by Walter Norblad on the 16th of February 1955, pertaining to the Immigration and Nationality Act of 1924, as amended, in that Wong Ma Chee shall be held and considered to be a nonquota returning resident alien.

I would like to express to you and the other members of your committee that the passage of this legislation would be a most commendable thing to do, and I most urgently ask that Mr. Norblad be supported in every way possible. Let me say that I have known this family for many years, even before I became county judge of Clatsop County, which position I have held for the past 26 years. I know the daughter and son-in-law, John Lum, very fine residents of our city of Astoria and Clatsop County, who operate a grocery store and have many, many friends among the residents. No mistake could possibly be made in passing this legislation authorizing Mrs. Wong Ma Chee to return to Oregon where she lived for many years and raised her family.

Thanking you for your sincere consideration to this matter, I am

Yours truly,

Guy Boyington,
County Judge.

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AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
LODGE NO. 934,
Astoria, Oreg., March 9, 1955.

Re H. R. 4150.

MR. EMANUEL CELLER,
Chairman, Judiciary Committee,
House of Representatives, Washington, D. C.

DEAR SIR: We, of Lodge No. 934 of the American Federation of Government Employees, are definitely in favor of H. R. 4150, a bill for the relief of Wong Ma Chee, and are hoping that you will do everything in your power to consummate its passage.

Norman Wong, Mrs. Wong Ma Chee's son, is a Federal employee at the United States Naval Station, Tongue Point, Astoria, Oreg. We know him personally and know that he is a steady worker and a person of good character. We can also assure you that his mother will not become a ward of any relief agency.

Thanking you in advance for your assistance in the above matter, we are

Very truly yours,

WILLIAM A. STRUTZ,
President.

ASTORIA, OREG., *April 14, 1955.*

Hon. EMANUEL CELLER,
Representative from New York,
House Office Building, Washington, D. C.

DEAR MR. CELLER: At the request of the board of directors, Astoria Lion's Club, I would like to call your attention to H. R. 4150, concering the entry of Wong Ma Chee to the United States from China. We urge you to recommend passage of this bill.

Mrs. Chee's children are all residents of Astoria, Oreg. Each is married and have an excellent record of responsible citizenship in this community. Financial conditions are such that Mrs. Chee would be well taken care of in this country and no possibility of her becoming a burden to the State of Oregon.

Your assistance toward a favorable report on this matter will be appreciated.

Sincerely,

RALPH R. LIND,
Secretary, Astoria Lion's Club.

Suye Uchida—H. R. 4596, by Mr. Gubser

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 14, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4596) for the relief of Suye Uchida, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office which has custody of those files.

The bill, notwithstanding the provisions of section 202 of the Immigration and Nationality Act, would classify the beneficiary as a nonquota immigrant as defined in section 101 (a) (27) (B), a resident returning from a temporary visit abroad.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING SUYE UCHIDA, BENEFICIARY OF H. R. 4596

Mrs. Suye Uchida, a citizen of Japan, was born February 7, 1889 in Kumamoto, Japan. She is the widow of Shinazo Uchida, who was also a native and citizen of Japan. The record indicates that Mrs. Uchida resided in the United States from 1913 to 1946 and then returned to Japan. She now resides in Tokyo.

The sponsor of the bill, Yoshihiro Uchida, is a son of the beneficiary and is a citizen of the United States by birth at Calexico, Calif., April 1, 1920. He is presently residing at 860 North 5th Street, San Jose, Calif., and is an instructor of judo at the San Jose State College. The beneficiary also has another son, George Uchida, residing at 792 East Mission Street, San Jose, who is attending school and working part time who was born July 22, 1925 at Upland, Calif. Both boys enjoy a good reputation in the community.

There is on file a petition submitted by her son for the issuance of an immigrant visa to the beneficiary under the second preference of section 203 (a) of the Immigration and Nationality Act. This petition was approved by the district director at San Francisco on December 10, 1954 but the quota for Japan has been oversubscribed and a visa has not been available. Consequently, special legislation is being sought to bring the beneficiary within the nonquota category in order to obviate the necessity of awaiting a quota number. Apparently it is intended that if the beneficiary comes to the United States she will reside with one of her sons.

MAY 17, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 16, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Suye Uchida, beneficiary of H. R. 4596, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated April 6, 1955 from the American Embassy at Tokyo, Japan.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mrs. Uchida would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

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OPERATIONS MEMORANDUM

To: Department of State. APRIL 6, 1955.
From: AMEMBASSY, Tokyo.
Subject: VISAS: Immigrant case of Suye Uchida.
Reference: Department's OMV–146, March 29, 1955.

The above-named applicant is registered at this office on the quota waiting list for Japan with priority date of June 4, 1954. There is on file an approved petition executed by her son, George Shikao Uchida, which accorded her second preference under the quota.

Mrs. Uchida's preliminary visa application reached the Embassy on June 4, 1954 with a letter from her son, Henry, who indicated that the petition on her behalf had already been filed by his brother, George. It appears that the petition was filed on November 19, 1954. It reached this office on January 10, 1955. On January 12, 1955, the Embassy informed Mrs. Uchida she had been accorded second-preference status and invited her to call for guidance and assistance in meeting further immigration requirements. On February 21 the Embassy was informed by her son, Henry, that she would be unable to visit the office until her return from Kyushu where she is visiting relatives. The Embassy has therefore been unable to assist Mrs. Uchida further.

From Mrs. Uchida's preliminary visa application it appears she lived in the United States from 1912 to 1946 and may possibly qualify as a returning resident. The Embassy has been unable to determine her eligibility therefor, however, since she has failed to call at the office for an interview and has not submitted the required evidence for this type of visa.

Mrs. Takayo Uota—H. R. 5641, by Mr. Sisk

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 4, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5641) for the relief of Mrs. Takayo Uota, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the beneficiary pursuant to section 101 (a) (27) (B) of the Immigration and Nationality Act, by providing that she shall be classifiable as a returning lawful resident alien.

As a quota immigrant the beneficiary would be chargeable to the quota for Japan.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE TAKAYO UOTA, BENEFICIARY OF PRIVATE BILL H. R. 5641, 84TH CONGRESS

Mrs. Takayo Uota, maiden name Takayo Tanaka, a native and citizen of Japan, was born March 6, 1905, at Itsukaichi-Machi, Saiki-Gun, Hiroshima-Ken, Japan. She is the widow of Teruichi Uota, killed in a traffic accident in California in 1936. Mrs. Uota had 6 children born in California since 1927, 1 missing in action with the United States Army in Korea since 1953. The sixth child is with Mrs. Uota, presently residing at 1213 Itsukaichi-Machi, Saiki-Gun, Hiroshima-Ken, Japan. She has no particular occupation and is supported by family property and cash assistance from her children.

Mrs. Uota and her husband entered the United States at San Francisco, Calif., December 3, 1922. In 1936 she returned to Japan after the death of her husband and joined her children who were studying there. She now seeks to return to the United States. A petition for issuance of a preference quota visa to her under section 203 (a) (2) of the Immigration and Nationality Act was approved September 23, 1954, but apparently a visa has not yet been available due to the condition of the Japanese quota.

The interested party, Shoji Uota, is the eldest son of the beneficiary, and a native United States citizen. He served with the United States Army Intelligence in Korea and was honorably discharged. He is married and resides with his wife and children at Fresno, Calif. He is a self-employed house gardener and at the present time is contributing between $300 and $400 a year to the support of the beneficiary in Japan.

FRESNO, CALIF., *June 6, 1955.*

Congressman B. F. SISK,
12th California District,
Washington, D. C.

DEAR SIR: Shoji Uota and his brother and sister wish to bring their mother Mrs. Takayo Uota here from Japan. As the children are living here that seems the logical and proper thing to do.

I have known this family since 1948. I taught Satoshi, Fujiko, and Akira when they were learning English and 2 years later acted as their adviser when they attended Fresno Junior College.

Shoji Uota is buying a house and is making a home for his family and brother and sister who are both working.

The three boys, Shoji, Akira, and Satoshi served in the United States Army. Akira lost his life in one of the battles in Korea. The Uotas are a very loyal, kind, and hard-working family. They are good citizens as their military service has amply proven.

I am very happy to write this and hope that you will use your influence to help Mrs. Takayo Uota join her family in Fresno.

Sincerely,

ESSIE G. AUDRAIN.

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VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
SIERRA NISEI POST NO. 8499,
Fresno, Calif., May 18, 1955.

Congressman B. F. SISK,
12th District California,
Washington, D. C.

DEAR CONGRESSMAN SISK: It is my understanding that you have introduced a private bill in Congress which would enable Mrs. Takayo Uota, now in Japan, to join her son, Shoji Uota, and his family in Fresno, Calif. As a personal friend of Mr. Uota, and as a fellow member of the VFW post to which he belongs, I would like to add my thanks for your invaluable aid and helpfulness in introducing this humanitarian bit of legislation.

Undoubtedly, the facts of the matter are already known to you but I should like to add a few salient points concerning the Uota family in general. Shoji Uota is a veteran with overseas service and has been an active member of Sierra Nisei Post 8499, Veterans of Foreign Wars, here in Fresno. Having known him for quite some time, I can attest to his excellent character and integrity. That this family has done more than its share in the defense of our Nation in times of war can be seen in the fact that Akira Uota, also a member of this family, was the first American of Japanese ancestry to be killed in the late Korean conflict, from this area.

In reviewing the above facts, I am sure that anyone will agree that a mother who has reared two such outstanding and patriotic sons is fully deserving of rejoining her family in the country which they helped so well to defend.

The comrades of our post as well as the many friends of the Uota family join in praying that you will successfully see the matter through to a successful conclusion.

Very truly yours,

HOAGY OGAWA, *Past Commander.*

Lum Shee Seid—H. R. 5768, by Mr. Gathings

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 23, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5768) for the relief of Lum Shee Seid, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Memphis, Tenn., office of this Service which has custody of those files.

The bill would provide that the beneficiary shall be held and considered to be a nonquota returning resident alien, as defined by section 4 (b) of the Immigration Act of 1924, as amended.

It should be noted that the present governing provision with respect to nonquota returning resident aliens is contained in section 101 (a) (27) (B) of the Immigration and Nationality Act effective December 24, 1952.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUM SHEE SEID, BENEFICIARY OF H. R. 5768

The beneficiary resides in Hong Kong, British Crown Colony. Information concerning her was furnished by her son, Bing On Seid, a citizen of the United States, born on August 20, 1921, in Seattle, Wash.

The beneficiary was born on December 2, 1887, in China, and is a citizen of that country. She was admitted to the United States at the port of Seattle, Wash., on April 11, 1921, as the wife of a United States citizen, Fook Yee Seid. She remained in the United States until October 4, 1930, when she returned to China. Her husband died in 1932. The beneficiary is supported by her son, Bing On Seid, who is the owner and operator of a grocery store in Crawfordsville, Ark., with assets valued at approximately $11,000. It is the desire of Bing On Seid that his mother reside with him in the United States where he can assume her care in view of her advanced age and so that she may assist him in maintaining his home.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 9, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This letter is written in the further interest of H. R. 5768, which would provide for the reentry to this country of Lum Shee Seid, the mother of Bing On Seid, of Crawfordsville, Ark. This measure was introduced on April 20, 1955, and it is my understanding that all necessary reports have been received and that the bill is "on the docket."

Mrs. Seid is now in Hong Kong where she has no immediate family members. She is 69 years of age and is suffering from rheumatism and other ailments of her age. She has suffered mistreatment at the hands of Communists. It is sincerely desired that she may come to this country at the earliest possible time so that she may make her home with her son and so that her final years shall be more pleasant and comfortable.

May I respectfully urge that because of Mrs. Seid's age and the circumstances this bill be advanced for early consideration. Your every assistance will be greatly appreciated.

Yours sincerely,

E. C. GATHINGS.

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CRITTENDEN COUNTY CHAPTER OF THE AMERICAN RED CROSS,
Marion, Ark., April 15, 1955.

To Whom It May Concern:

The writer has known veteran Bing O. Seid (Navy 654-90-49) for the past 5 years. Bing served in the Navy from August 4, 1942, through November 26, 1945, being honorably discharged. He has four sisters in the United States. His mother, Mrs. Lum Shee Seid, age 68, is in Hong Kong. Bing and his sisters are very anxious to have their mother admitted into the United States. Due to her health, we are told that she has rheumatism and other illnesses, and due to her age, she is unable to carry on a gainful occupation.

The writer knows the home condition of veteran Seid and he is fully able to care for his mother should she be admitted to the States.

Any favors shown Mrs. Seid will be appreciated by their many friends

A. B. CARTER,
Home Service Chairman.

Koriku Kato—H. R. 6390, by Mrs. Green of Oregon

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 15, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6390) for the relief of Koriku Kato, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Oreg., office of this Service, which has custody of those files.

The bill would grant the beneficiary nonquota immigrant status under the provisions of section 101 (a) (27) (B) of the Immigration and Nationality Act, which provide that an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad, is classifiable as a nonquota immigrant.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KORIKU KATO, BENEFICIARY OF H. R. 6390

The beneficiary was born in Hachibanyashiki, Ichi Aza, Yamauchi-Higashi Mura, Hiba-Gun, Japan, on March 1, 1886, and is a citizen of Japan. She is a widow and resides in Hirako, Saijo-Cho, Hiroshima-Ken, Japan. She has 9 children, 8 of whom were born in the United States. Five of her children reside in the United States and four in Japan. Beneficiary is unemployed and has no assets. Her son, Haruo Kato, residing at Route 1, Box 187, Gresham, Oreg., desires to have beneficiary join him. He operates a 43-acre berry and vegetable farm and has total assets of approximately $88,000.

The beneficiary entered the United States at Seattle, Wash., in January 1905 and resided in Puyallup, Wash., until December 1920 when she returned to Japan.

Mrs. Kato is the beneficiary of an approved petition filed by her son, Tsuneo Kato, of Portland, Oreg., according her second preference status in the issuance of an immigrant visa under the quota for Japan. The second preference category of the quota for Japan is oversubscribed.

DEPARTMENT OF STATE,
Washington, June 27, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of June 6, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Koriku Kato, beneficiary of H. R. 6390, 84th Congress, 1st session.

A report recently received by the Department from the American Consulate General at Kobe, Japan, states that Mrs. Kato is the beneficiary of an approved petition according her second preference status in the issuance of an immigrant visa under the provisions of section 203 (a) (2) of the Immigration and Nationality Act. She is registered under the second preference category of the quote for Japan with registration priority date of September 22, 1953, the date the petition executed by her son, Tsuneo Kato, was filed. Mrs. Kato has submitted the personal documents required by law in support of her visa application and her case has been preliminarily approved. However, the second preference portion of the quota for Japan is heavily oversubscribed and it is anticipated that Mrs. Kato would undergo a considerable period of waiting before a number could be allotted for her use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mrs. Kato would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

AMERICAN CONSULATE GENERAL,
APO 317, San Francisco, Calif., May 4, 1955.

Hon. EDITH GREEN,
House of Representatives.

MY DEAR MRS. GREEN: I refer further to your letter of April 14, 1955, addressed to the American Embassy at Tokyo, Japan, expressing your interest in the desire of Mr. Hawley H. Kato of Gresham, Oreg., to have his mother, Mrs. Koriku Kato, join him in the United States, and also to the Embassy's reply dated April 26, 1955. As Mrs. Kato resides at Hiroshima, which is within the Kobe-Osaka consular district, her visa application is under the jurisdiction of this consulate general.

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Mrs. Koriku Kato is the beneficiary of an approved petition according her second preference status in the issuance of an immigrant visa under the provisions of section 203 (a) (2) of the Immigration and Nationality Act. She is registered, in accordance with the procedure outlined in section 42.25 (c) of title 22 of the Code of Federal Regulations, under the second preference category of the annual quota for Japan with priority date of September 22, 1953, the date the petition executed by her son, Tsuneo Kato, was filed. Mrs. Kato has submitted the personal documents required by law in support of her visa application and her case has been preliminarily approved. Unfortunately, however, the second preference category of the quota for Japan is heavily oversubscribed, and thus far quota numbers have become available for the use of only those persons registered prior to August 1, 1952. It therefore appears that Mrs. Kato will experience a further lengthy delay before the desired visa may be issued to her.

You are assured that Mrs. Kato's application will continue to receive every possible consideration consistent with the immigration laws and regulations.

Sincerely yours,

RALPH J. BLAKE,
American Consul General.

Mrs. Liu Cha Tsung Tsai—H. R. 7080, by Mrs. Farrington

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 2, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7080) for the relief of Mrs. Liu Cha Tsung Tsai, alias Mary Lau, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Honolulu, T. H. office of this Service which has custody of those files. According to the records of this Service, the correct name of the beneficiary is Lau Char Tsung Tsai.

The bill would grant this alien nonquota status, as an immigrant lawfully admitted for permanent residence, who is returning from a temporary visit abroad.

As a quota immigrant, the beneficiary would be chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. LIU CHA TSUNG TSAI, BENEFICIARY OF H. R. 7080, 84TH CONGRESS

Information concerning this case was obtained from Mrs. Annie Lau Awong, daughter of the beneficiary.

The beneficiary, whose maiden name was Char (or Cha) Tsung Tsai has also been known as Mary Lau, Chay Don Chay and Lau Char Shee. These names, other than that of Mary, appear to result from different interpretations of Chinese dialects.

Liu Cha Tsung Tsai was born about 1883 and is a native and citizen of China. A widow, she now resides at 118 Fook Wing Street, Shum Shui Po, Hong Kong, British Crown Colony. She has one daughter, Mrs. Annie Lau Awong. Her education consists of Chinese elementary schooling. She has no income nor assets.

The beneficiary first arrived in Honolulu, T. H. some time prior to June 14, 1900. There is no record of her actual date of arrival. She subsequently made three trips to China. She was outside the United States from October 1, 1931, to June 6, 1932, and from November 25, 1932, to November 8, 1933. She last departed on September 28, 1934, and has never since returned to the United States. Her laborer's return certificate was taken up by the American consul in Hong Kong and forwarded to this Service because she failed to return to the United States within the prescribed time.

Mrs. Annie Lau Awong, a United States citizen, is employed as a teacher at a salary of $285 monthly. Her husband, William Awong, also a United States citizen, is half owner of the largest grocery and general merchandise store in Honokaa, Hawaii, T. H. His income is about $2,500 yearly. They have no children. The beneficiary transferred all her assets in trust to her daughter and son-in-law and they provide about $120 monthly for her support.

DEPARTMENT OF STATE,
Washington, September 21, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of July 18, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Liu Cha Tsung Tsai, alias Mary Iau, beneficiary of H. R. 7080, 84th Congress, 1st session.

A report recently received by the Department from the American Consulate General at Hong Kong states that the subject alien is registered in the second preference category of the Chinese quota, with a priority date of April 28, 1953. As such, she must anticipate a considerable waiting period before a second-preference number becomes available to her. She is also registered under the Refugee Relief Act of 1953, as amended, and will enjoy priority status under this program as the mother of an American citizen. The Refugee Relief Section states, however, that a verified assurance executed in behalf of Liu Cha Tsung Tsai has not been received, and that no investigation as to her eligibility under the Refugee Relief Act has yet been conducted.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mrs. Liu Cha Tsung Tsai would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

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AMERICAN CONSULATE GENERAL,
Hong Kong, June 14, 1955.

Hon. Mrs. JOSEPH R. FARRINGTON,
House of Representatives,
Washington, D. C.

MY DEAR MRS. FARRINGTON: I have received your letter of June 3, 1955, concerning the quota immigrant visa application of Liu Char Tung Tsa.

Mrs. Liu is registered under the second-preference category of the Chinese quota. The date of her registration is April 28, 1953. Since even the preference categories of the Chinese quota are very heavily oversubscribed, a considerable delay must be anticipated before a quota number becomes available to Mrs. Liu.

Your interest in this matter has been noted. Every effort will be made to assist Mrs. Liu consistent with the law and regulations.

Sincerely yours,

MAURICE S. RICE,
Consul in Charge.

COUNTY OF HAWAII,
Hilo, T. H., May 23, 1955.

Mrs. ELIZABETH FARRINGTON,
Delegate from Hawaii,
Washington, D. C.

DEAR MR. FARRINGTON: Mrs. Annie Awong, a teacher at the Honokaa Elementary and High School on this island, whose husband, in partnership with his brother, manages the Awong Bros. Store in Honokaa, has appealed to me to seek your aid in helping the reentry of her mother to this country.

Her mother, Mrs. Liu Cha Tsung Tsai, alias Mary Lau, aged 65, is presently living at 145 Fuk Wah Street, first floor, Shum Shiu Po, Hong Kong, China. Mrs. Liu, or Lau, came to Hawaii as a small child and had lived in Hawaii until 1932, when she obtained a permit to return to China to settle some family affair there.

Her permit was for a year. At the end of the year she returned to Hawaii, obtained another permit, and again went to China in 1933. Before she could return, she fell ill and her permit expired before she was able to travel.

In 1952, her family, through Attorney Hiram L. Fong, sought to clear the way for her return to Hawaii. All immigration requirements were met with and Mrs. Awong was informed, in 1953, that her mother was being placed on the second immigration quota.

To date, nothing more has been heard and Mrs. Awong, reading an item in our local newspaper which mentioned the fact that you had introduced a bill in Congress to allow the reentry of a former resident of the island, beseeched me to appeal to you for aid.

Whatever you can do in behalf of Mrs. Awong will be gratefully appreciated by the Awong family, who are very prominent Honokaans.

Aloha and my warm personal regards to you.

Sincerely,

JAMES KEALOHA,
Chairman and Executive Officer.

Mrs. Doris Kelly—H. R. 7168, by Mr. McDonough

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., September 14, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7168) for the relief of Mrs. Doris Kelly, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif. office of this Service, which has custody of those files.

The bill is intended to classify the beneficiary as a nonquota immigrant under the provisions of section 101 (a) (27) (B) of the Immigration and Nationality Act.

As a quota immigrant the beneficiary would be chargeable to the quota of Great Britain.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. DORIS KELLY, BENEFICIARY OF H. R. 7168

Information concerning the case was obtained from Mr. John Gordon Bremer, who is the brother of the beneficiary.

The beneficiary, Doris Kelly, nee Bremer, a native of Australia and a citizen of Great Britain, was born on July 27, 1889. She was married to William J. Kelly, a United States citizen, at New York, N. Y. on December 17, 1926. This marriage was terminated by the death of Mr. Kelly in 1949. She has no children. She now resides in Sydney, Australia, and gives her forwarding address as in care of Perpetual Trustee Co., 33–39 Hunter Street. Her only close living relative is her brother, John Gordon Bremer, who resides in the United States.

Mrs. Kelly attended elementary and high school in Australia for 12 years. She has never been employed. She receives an income of $300 a year from an estate in Australia. Her assets consist of savings in the amount of $20,000 in banks in New York City, household furnishings in storage in the United States valued at $5,000, and a savings account in a bank in Australia in the amount of $20,000.

The beneficiary last entered the United States at San Francisco, Calif., on May 15, 1925, as a visitor for a period of 1 year. She did not receive any extension to her visitor's permit. She failed to depart. On October 19, 1954, she filed an application before this Service for a permit to reenter the United States. On January 7, 1955, while her application was still pending, she departed from the United States for Australia. Subsequently she was notified by this Service that her application had been denied for the reason that she

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had never been admitted to the United States for permanent residence.

Mr. Bremer, a naturalized United States citizen, was born in Sydney, Australia, on May 2, 1903. He was admitted to the United States for permanent residence on August 2, 1919, at San Francisco, Calif. He resides at 6041 Kings Road, Los Angeles, Calif., with his wife and two children. He is employed as a stillman at the Union Oil Co., Wilmington, Calif., at a salary of $5,500 per year. His assets consist of his home valued at $25,000, 2 automobiles valued at $1,100 and household furnishings valued at $6,000. He also has a savings account in a local bank in the amount of $5,000 and $15,000 in bonds in Australia.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 6, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representative, Washington, D. C.

DEAR MR. CHAIRMAN: This refers to the report submitted to the committee on September 14, 1955, relative private bill H. R. 7168 introduced in the 84th Congress for the relief of Mrs. Doris Kelly.

The district office concerned has advised that the beneficiary is chargeable to the quota of Australia, instead of Great Britain, as stated in the letter of transmittal dated September 14, 1955.

Sincerely,

J. M. SWING, *Commissioner.*

DEPARTMENT OF STATE,
Washington, September 19, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of July 18, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Doris Kelly, beneficiary of H. R. 7168, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Sydney, Australia, reads as follows:

"Mrs. Kelly arrived in the United States, under her maiden name of Doris Bremer, at San Francisco, Calif., on May 15, 1925, on the steamship *Makura*, and apparently entered as a visitor. She resided continuously in the United States until January 7, 1955, when she left San Francisco for Australia on the steamship *Orcades*. She was married in New York City, on December 17, 1926, to William J. Kelly, an American citizen born in Newburyport, Mass., on June 16, 1875, but he died on May 17, 1949, at New York City. Mrs. Kelly has lost her registration card but she was registered under the Alien Registration Act of 1940 in New York City under No. A–4947891. At that time no exception was taken to her residence status. In fact she

never knew that she was residing in the United States illegally until she applied for a permit to reenter in December 1954 in connection with a contemplated temporary visit to Australia. The Immigration and Naturalization Service in Los Angeles, Calif., apparently did not order her deported but allowed her to depart and advised her to have her brother execute a relative petition and to apply herself for an immigration visa at an American consulate. Mrs. Kelly's parents, now deceased, were residents of the United States and she visited them in the United States on two occasions prior to 1925 but does not know the exact dates of arrival or her immigration status.

"Mrs. Kelly is extremely unhappy in Australia and desires to return to the United States immediately. She points out that she resided in the United States for nearly 30 years, was married to an American citizen for over 22 years, that all her relatives and friends are in the United States and that she has no connections, except financial, here. Her brother, who accompanied her to Australia, has returned to the United States. She has asked to be considered for a visa to visit the United States for 1 year but has been informed that the consulate general does not consider her to be a bona fide nonimmigrant."

As the fourth preference portion of the Australian quota is oversubscribed, it is anticipated that Mrs. Kelly would undergo a considerable period of waiting before a number could be allotted for her use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mrs. Kelly would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Sansho Yamagata and Kouko Mikami Yamagata—H. R. 7543, by Mr. Anfuso

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 27, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7543) for the relief of Sansho Yamagata and his wife Kouko Mikami Yamagata, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the aliens by providing that they shall be held and considered to be classifiable as returning residents under the applicable provisions of the Immigration and Nationality Act.

As quota immigrants, the beneficiaries would be chargeable to the quota for Japan.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SANSHO YAMAGATA AND HIS WIFE, KOUKO MIKAMI YAMAGATA, BENEFICIARIES OF H. R. 7543

Information concerning the beneficiaries of this bill was obtained in part from their sponsor, Mr. Edward Tamburo, and in part from a communication sent by the male beneficiary to this Service on August 25, 1955.

Sansho Yamagata and his wife, Kouko Mikami Yamagata, are natives and citizens of Japan, born in Kyoto, Japan on November 19, 1889, and January 22, 1897, respectively. They are presently residing in Yokohama, Japan, where Mr. Yamagata is employed by the export and import firm of Z. Horikoshi & Co., Ltd. The only relative they have in the United States is a sister of Mrs. Yamagata, who is a citizen of the United States and a resident of New York City.

Mr. Yamagata came to the United States in August or September 1907 and his wife entered the United States on December 25, 1919. Both remained continuously in the United States until November 2, 1941, when they left for Japan in possession of return permits. They were, however, prevented from returning to the United States by the outbreak of hostilities shortly after their departure. During his residence in the United States, Mr. Yamagata was employed by the United States branch of the above-mentioned firm, Z. Horikoshi & Co., Ltd., in New York City and in Chicago, Ill. Mrs. Yamagata was not gainfully employed. During the period of World War I, Mr. Yamagata served in the United States Army from September 11, 1918, to December 13, 1918, when he was honorably discharged.

The sponsor, Mr. Edward Tamburo, was born in Italy on August 12, 1896, and is a citizen of the United States. He is an importer of silks and has known the beneficiaries for over 25 years, through business dealings, mutual employment with the male beneficiary by the Z. Horikoshi & Co., Ltd., and through social contacts. Mr. Tamburo stated that the beneficiaries are financially independent, but indicated that in the event Mr. Yamagata should so desire, Mr. Tamburo would gladly employ him in his place of business and would be willing to undertake to render him any financial assistance that may be required.

DEPARTMENT OF STATE,
Washington, D. C., September 9, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of August 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Sansho Yamagata and his wife, Kouko Mikami Yamagata, beneficiaries of H. R. 7543, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Yokohama, Japan, states that the records of the consulate general indicate that both Mr. and Mrs. Yamagata had

long periods of residence in the United States prior to their return to Japan for a visit in November 1941. At that time they were in possession of valid reentry permits which expired on August 21, 1942.

On July 12, 1946, Mr. and Mrs. Yamagata applied at the consulate general for returning resident visas but their documentation was not completed until March 1948. Due to the illness of Mrs. Yamagata, however, their departure from Japan was again delayed. In June 1949 Mr. Yamagata wrote the consulate general formally abandoning his application. The following excerpt is quoted from his letter: "* * * now, more than 6 months have passed and we are still here. I think I have forfeited the privilege already but since this matter has been kept in abeyance, and my papers are being kept in your file, I hereby formally renounce my application for reentry to the United States."

Mr. Yamagata did not make inquiry again concerning his case until March 11, 1955, when he inquired as to the possibility of obtaining returning resident visas for himself and Mrs. Yamagata. He stated that he did not return to the United States in 1948 because of the illness of Mrs. Yamagata and he did not feel that he had sufficient dollar resources to establish himself. Mr. Yamagata was unable to present any proof, however, that he has an unrelinquished domicile in the United States and that he has maintained a continuing desire to return thereto.

Under the Immigration and Nationality Act of 1952 Mr. and Mrs. Yamagata do not qualify as returning residents and their names were registered on the quota waiting list as of March 11, 1955. Due to the heavily oversubscribed condition of the quota for Japan, and the continuing demand from persons enjoying preference status, it appears that persons registered under the quota for Japan in 1955 will encounter a waiting period of many years before their turn for consideration is reached.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mr. and Mrs. Yamagata would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Z. HORIKOSHI & CO., LTD.,
Yokohama, Japan, March 6, 1956.

To Whom It May Concern:

I hereby make an affidavit in behalf of Mr. Sansho Yamagata, as follows:

Mr. Yamagata was asked to return to Japan by order of the firm in October 1941, chiefly for the reason of our inability to carry on the business under the "Freezing Act," of the United States decreed in the summer of 1941.

I further wish to state that during the war, Mr. Yamagata was employed by us for promotion of textile business in which we engaged, and he devoted all of his time for this purpose.

Respectfully,

H. HORIKOSHI,
Chairman of the Board.

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JAPAN, CITY OF YOKOHAMA,
American Consulate General, ss:

Subscribed and sworn to before me Joseph P. Bandoni, vice consul of the United States of America in and for the consular district of Yokohama, duly commissioned and qualified, March 6, 1956.

J. P. BANDONI,
Vice Consul of the United States of America.

Uhachi Iino and Shima Saito Iino—H. R. 7544, by Mr. Hiestand

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 1, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7544) for the relief of Uhachi Iino and Mrs. Shima Saito Iino, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would provide that, in the administration of the Immigration and Nationality Act, the beneficiaries shall be held to be classifiable as nonquota returning residents under the provisions of section 101 (a) (27) (B) of that act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE UHACHI IINO AND MRS. SHIMA SAITO IINO, BENEFICIARIES OF H. R. 7544

Information concerning this case was obtained from Mary M. Burmeister, the beneficiaries' daughter.

Uhachi Iino and Shima Saito Iino nee Saito, husband and wife, natives and citizens of Japan, were born on January 2, 1887, and May 28, 1895, respectively. They were married at Nakakoma, Japan, on February 3, 1914. The couple have three children, all of whom are native citizens of the United States, ranging in age from 31 to 36 years. The children reside in California. The beneficiaries reside at 2134 Chome, Setagaya-ku, Tokyo, Japan. They attended elementary school and high school in Japan. Neither is employed. They are dependent for support upon their daughter, Mary M. Burmeister, who contributes $40 each month. Their assets consist of the home in which they reside, valued at $3,500, and savings in the amount of $1,000. They have no relatives residing in Japan, and none in the United States other than their children.

Mr. and Mrs. Iino first entered the United States at Seattle, Wash., for permanent residence in 1905 and March

1914 respectively. They resided in the State of Washington, where the family was maintained by Mr. Iino's employment as a farmer. In 1938 Mrs. Ioni and the children returned to Japan. Mr. Iino continued to reside in Washington. He was registered as an alien enemy in Sumner, Wash., in February 1942, and in January 1943 was relocated to the Minidoka relocation project, Eden, Idaho. At his own request, Mr. Iino was then repatriated to Japan in November 1943 aboard the SS. *Gripsholm*, and resided in that country continuously since that time. The beneficiaries' three children, Mary, Alice, and Helen, reentered the United States as returning United States citizens in March 1954, January 1949, and September 1948, respectively.

Mary M. Burmeister nee Iino was born in Seattle, Wash., on October 21, 1918. She is married to Gilbert Clarence Burmeister, a native-born United States citizen. They were married in Larned, Kans., on April 17, 1954, and are the parents of a 6-month-old son. Mrs. Burmeister resides with her husband and son at 1306 North Frederic Street, Burbank, Calif. Mr. Burmeister is employed as an accountant, and earns a salary of $400 per month. Mrs. Burmeister is employed as a stenographer at a monthly salary of $325. Their joint assets, valued at $9,500, consists of a $4,000 equity in their $17,500 home, household furniture in the amount of $3,000, and an automobile valued at $2,500.

DEPARTMENT OF STATE,
Washington, September 9, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of August 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Uhachi Iino and his wife, Mrs. Shima Saito Iino, beneficiaries of H. R. 7544, 84th Congress, 1st session.

A report recently received by the Department from the American Embassy at Tokyo, Japan, states that a review of their applications indicated that Mr. and Mrs. Iino were accorded second preference under the Immigration and Nationality Act of 1952 as parents of an American citizen. Their date of registration is September 22, 1953, the date upon which they applied at the Embassy for registration on the quota waiting list.

On September 1, 1954, Mr. and Mrs. Iino were interviewed at the Embassy in order to ascertain whether or not they could qualify for returning resident visas. Mr. Iino stated that he had liquidated his business in the United States prior to his voluntary repatriation in 1943, his wife and three daughters having returned to Japan in 1938. As Mr. and Mrs. Iino cannot qualify as residents of the United States who are returning from a temporary visit abroad, they have been accorded second preference under the quota for Japan. Since the quota

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for Japan is heavily oversubscribed, they may anticipate an indeterminable period of waiting before their turn is reached.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mr. and Mrs. Iino would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Tatsu Kakimoto—H. R. 8090, by Mr. Teague of California

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8090) for the relief of Mrs. Tatsu Kakimoto, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill is intended to confer nonquota immigrant status upon the beneficiary pursuant to section 101 (a) (27) (B) of the Immigration and Nationality Act, by providing that she shall be considered a resident returning from a temporary visit abroad.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. TATSU KAKIMOTO, BENEFICIARY OF H. R. 8090

Information concerning this case was obtained from Mr. Ikuo Kakimoto, who is the son of the beneficiary.

The beneficiary, Tatsu Kakimoto, nee Sato, also known as Marcia Kakimoto, is a native and citizen of Japan who was born November 4, 1880. Her husband, Tsunehachi Kakimoto, died August 15, 1934, in Santa Barbara, Calif. Mr. and Mrs. Kakimoto were the parents of five children, all of whom are natives and citizens of the United States. Her youngest son, Tsutomu Tommy Kakimoto, is a commissioned officer in the United States Army. Another son, Toru Kakimoto, a civilian employee of the United States Armed Forces, is a language instructor on Okinawa. The beneficiary lives with Mrs. Toru Kakimoto, her daughter-in-law, in Tokyo, Japan. A son and two daughters live in the United States. She has no assets and is wholly dependent for support upon contributions provided by her children.

Mrs. Kakimoto, who resided in the United States a total of 31 years, first entered the United States in 1897, at which time she was admitted for permanent residence. She visited in Japan from 1901 to 1906, and again between 1911 and 1913. All entries and departures were at San Francisco, Calif. At the time of her last departure on June 30, 1935, she

intended to visit in Japan for 1 year and was in possession of a reentry permit valid to June 13, 1936.

According to the records of the Santa Barbara Police Department, the beneficiary was arrested on May 27, 1929, on a charge of attempted murder. The case was dismissed on June 13, 1929, on the motion of the complaining witness. Santa Barbara, Calif., newspaper accounts of the affair indicated that the incident was a shooting, the culmination of a family dispute involving the elopement of the beneficiary's daughter. There were no injuries.

The beneficiary's son, Ikuo Kakimoto, is produce manager of a Santa Barbara, Calif., grocery store and earns a monthly salary of $416. His assets include an equity in his home, bank deposits, an automobile, home furnishings, and personal effects valued at $21,000. His only dependents are his wife and the beneficiary. His two children are married.

DEPARTMENT OF STATE,
Washington, March 16, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 13, 1956, requesting a report of the facts in the case of Tatsu Kakimoto, the beneficiary of H. R. 8090 which was introduced by Mr. Teague on January 3, 1956.

The files of the Department contain a report dated February 14, 1956, from the Embassy at Tokyo indicating that Mrs. Kakimoto, who returned to Japan in 1935 after residence in the United States since 1913, has been unable to qualify under the Immigration and Nationality Act to receive a visa as a returning resident alien. Mrs. Kakimoto stated in her visa application made in September 1953 that she has 3 sons and 2 daughters, all American citizens. She is the beneficiary of a petition filed on December 4, 1953, by her son, Ikuo Kakimoto, an American citizen, according her second preference status under the Japanese quota. However, owing to the oversubscribed condition of the Japanese quota considerable time will elapse before the turn of Mrs. Kakimoto may be reached to receive an immigrant visa as a second preference applicant.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

MONTEREY, CALIF., *January 23, 1956.*

Re H. R. 8090, Mrs. Tatsu Kakimoto

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN CELLER: I am married to Sayoko, younger daughter of Mrs. Tatsu Kakimoto, subject of the private bill introduced by Representative Charles M. Teague, to classify her as a nonquota returning resident.

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I have been in the services of the United States Army for 10 years. During this time I had an opportunity to serve in Japan for several years, at which time my mother-in-law, Mrs. Tatsu Kakimoto, came to live with us. Over a period of approximately 3 years or more, I, and particularly my daughter (age 3 years), became quite attached to her. We feel as though she is one of the family and nothing would please us more than to have her back with us.

I will appreciate anything you can do to expedite consideration of this bill H. R. 8090.

Respectfully yours,

CHESTER L. COOK RO35993301,
Sergeant First Class.

SANTA BARBARA, CALIF., *January 24, 1956.*

Re H. R. 8090, Mrs. Tatsu Kakimoto.

Hon. EMMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: Many of your friends in Santa Barbara are interested in your support of H. R. 8090 that will make it possible for Mrs. Tatsu Kakimoto, now living in Japan, to join her family living in Santa Barbara.

I have known Kay Kakimoto Lee and Jean Kakimoto Fukumura, grandchildren of Mrs. Tatsu Kakimoto, for over 15 years and can speak most highly of their fine citizenship qualities.

I can say without reservation that they are honest, loyal and dependable and in my contacts with them, as art supervisor in the Santa Barbara City schools, both girls have shown themselves to be considerate, respectful, cooperative and resourceful with wholesome personalities and constructive attitudes.

It is important in the world today that every effort should be made to encourage unification of family groups. Therefore we appreciate your effort in this respect.

Respectfully yours,

CLARA F. PETERSON,
Art Consultant, Santa Barbara City Schools.

SANTA BARBARA CHAMBER OF COMMERCE,
Santa Barbara, Calif., February 3, 1956.

Representative EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN CELLER: This writer knows the Santa Barbara family of Mrs. Tatsu Kakimoto, who is seeking status as a nonquota immigrant from Japan to the United States. Representative Charles M. Teague of the 13th Congressional District of California has introduced H. R. 8090, a private bill that would accomplish this goal.

We ask that your committee act favorably and promptly on recommending this bill to the House for a vote. This fine woman, who has been unable to join her family in Santa Barbara because of her failure to recognize the importance of the expiration of her visa to visit Japan many years ago deserves American residence and eventual citizenship.

Mrs. Kakimoto lived with her late husband in Santa Barbara for 14 years. Now, she is asking to be reunited with her 5 American-born children (of whom 2 are in the United States Army) and her 6 grandchildren. Her son, Ikey of Santa Barbara, is in charge of the produce section of Jordanos', Inc., largest local chain of food markets.

We are proud to recommend Mrs. Kakimoto as an excellent prospective American.

Very truly yours,

HOWARD J. STEIB, *General Manager.*

HEADQUARTERS 18TH FIGHTER
BOMBER WING, APO 239,
San Francisco, Calif., February 1, 1956.

Re H. R. 8090, Mrs. Tatsu Kakimoto.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN CELLER: My wife, Mrs. Mieko Kakimoto, and I have just received the much-awaited, wonderful news of the private bill introduced by Representative Charles M. Teague regarding our mother's reentry to our country as a nonquota returning resident.

Words cannot express the joy within our hearts to know that at last the family is one step nearer to our reunion at home in the United States where our mother belongs. As a son who owes much to his aged mother for having been born in the United States and given the opportunity to serve our country, I earnestly hope and pray that you will help us achieve our aim by expediting passage of bill H. R. 8090.

May I take this opportunity to thank you for any favorable consideration you may give this matter.

Respectfully yours,

TORU KAKIMOTO.

HEADQUARTERS, 18TH FIGHTER BOMBER WING,
CENTRAL CIVILIAN PERSONNEL OFFICE, APO 239,
San Francisco, Calif., February 2, 1956.

Re H. R. 8090, Mrs. Tatsu Kakimoto.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: I have been made aware of the private bill H. R. 8090 introduced by Representative Charles M. Teague in behalf of Mrs. Tatsu Kakimoto. Her son, Toru Kakimoto, is a Federal civil-service employee employed by this command. His contribution as a civil-service servant is a definite asset to the Air Force.

Any favorable consideration that your committee may give to bill H. R. 8090 would be a just award to her son for the service he has always rendered to further our efforts in his present position of employment.

Sincerely,

A. F. BOUDREAUX,
Central Civilian Personnel Officer.

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Roberta Enriquez Macaspac—H. R. 1234, by Mr. Mailliard

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 15, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 1234) for the relief of Roberta Enriquez Macaspac, there is attached a memorandum concerning the beneficiary which has been prepared from the files of the Immigration and Naturalization Service.

The bill would confer nonquota status upon the beneficiary by providing that she shall be held and considered to be the natural-born alien child of United States citizens.

As a quota immigrant, the beneficiary would be chargeable to the quota of the Philippines.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROBERTA ENRIQUEZ MACASPAC, BENEFICIARY OF H. R. 1234

The beneficiary, Roberta Enriquez Macaspac, is now residing in Bremen, Germany, with her adoptive parents Sgt. and Mrs. Bart T. Macaspac. Information concerning the beneficiary and her adoptive parents has been obtained from a statement submitted by Sergeant Macaspac and inquiries made in the vicinity of their former residence in San Francisco, Calif.

Roberta Enriquez Macaspac was born in Pampanga, Philippine Islands, June 15, 1936. She attended school there until 1951, when she entered the United States and attended the Galileo School in San Francisco. She has had no outside employment. It is reported that she does housework in the home of her adoptive parents and cares for their child. Miss Macaspac was adopted in the superior court, San Francisco, Calif., June 11, 1952. It is reported that her adoptive mother is her half sister, and that she has a brother and a number of half brothers and half sisters residing in the Philippine Islands.

Roberta Enriquez Macaspac entered the United States on December 11, 1951, as a temporary visitor for 6 months. She resided in San Francisco, Calif., until the latter part of 1953, when she went to Germany with her adoptive parents.

Sgt. Bart T. Macaspac, the adoptive father, was born in Pampanga, Philippine Islands, April 21, 1908. He married his present wife on March 3, 1949 in the Philippine Islands. They have two children. Sergeant Macaspac has been in the Armed Forces of the United States since April 26, 1943. He earns $3,640 per year. He states he desires to have the beneficiary return to the United States with his family upon completion of his tour of duty in Germany.

DEPARTMENT OF STATE,
Washington, D. C., November 23, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of June 13, 1955, and its enclosures, wherein you requested a report of the facts in the case of Miss Roberta Enriquez Macaspac, beneficiary of H. R. 1234, 84th Congress, 1st session.

A report recently received by the Department from the American Embassy at Manila states that the subject alien was born on June 15, 1936, at Macabebe, Pampanga, Philippine Islands. She was the daughter of Fernando Enriquez (deceased) and Maria Quito Enriquez. On November 19, 1951, she was issued a visitor's visa under section 3(2) of the Immigration Act of 1924 for the purpose of medical treatment in the United States. The alien was adopted in the United States on June 15, 1952, by Sgt. and Mrs. Bart T. Macaspac, according to the laws of the State of California. In December of 1952, Sergeant Macaspac received orders for overseas assignment to Germany. His wife his two natural children and his adopted daughter followed him to Germany. It was then that Sergeant Macaspac learned that his adopted daughter would not be able to return to the United States with him because the fourth preference category of the quota for the Philippines was heavily oversubscribed. Shortly thereafter, Miss Macaspac returned to the Philippine Islands.

Miss Macaspac, at the present time, is registered on the nonpreference quota waiting list for the Philippines as of November 3, 1955. However, since the nonpreference category of the quota for the Philippines is oversubscribed, it is anticipated that Miss Macaspac would undergo a considerable period of waiting before a number could be allotted for her use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Miss Macaspac would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

DEPARTMENT OF STATE,
Washington, May 25, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Committee on the Judiciary,
Subcommittee No. 1,
House of Representatives.

DEAR TAD: I refer again to your letter of February 22, 1956, regarding the case of Roberta Enriques Macaspac, the beneficiary of H. R. 1234, introduced by Mr. Mailliard on January 5, 1955.

I enclose a deposition, in duplicate, of Mrs. Victoria Macaspac and Bart T. Macaspac which has just been received from the Embassy at Manila. The deposition contains information furnished by Mrs. Macaspac regarding the position occupied in the household by her adopted daughter, Roberta. Mrs. Macaspac's deposition supplements the information contained in the statement furnished by her husband, which has already been sent to you.

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As the information furnished by Mr. and Mrs. Macaspac appears to be favorable, the Department has no objection to the enactment of the proposed legislation.

Sincerely yours,

SCOTT MCLEOD,
Administrator, Bureau of Security and Consular Affairs.

REPUBLIC OF THE PHILIPPINES,
CITY OF MANILA,
Embassy of the United States of America, ss:

Deposition of witness, taken before me, Frank E. Cash, Jr., consul of the United States of America at Manila, Philippines, under and by virtue of a request from the Department of State.

The questions and the answers of the witness thereto were taken down stenographically by Roberto Y. Baja and were then forthwith transcribed by him under my direction, and the said transcript being then read over correctly to the said witness by me was then signed by the said witness in my presence.

Victoria Enriquez Macaspac, of Macabebe, Pampanga, Philippines, housewife, of lawful age, being by me first duly sworn, deposes and says:

Q. Please state your name and place and date of birth.—A. My name is Victoria Enriquez Macaspac; date of birth, October 16, 1924; place, Macabebe, Pampanga.

Q. Have you ever been known by any other name? A. No, sir.

Q. What is your husband's name and occupation? A. Bart Tolentino Macaspac; solider in the United States Army.

Q. What are the names of all your children?—A. Lorenza Catherine Macaspac, Bart Thomas Macaspac, Jr., Fernando Enriquez Macaspac; Roberta Enriquez Macaspac is my adopted daughter.

Q. Where, when, and by what action did you adopt Roberta?—A. In San Francisco, Calif., June 15, 1952, we went to the court and went through the adoption procedure.

Q. Under whose care was she during the adoption proceedings?—A. She was under my care while the adoption proceedings were going on.

Q. Who is Maria Quito?—A. That's the mother of Roberta.

Q. When did you first meet her?—A. Roberta's mother since the age of 5 has always been with my mother. My father and Roberta's father are the same man. I have known Maria Quito all my life.

Q. Who was Fernando Enriquez?—A. That's my father and Roberta's father.

Q. When did you first meet Roberta Enriquez?—A. Since she was born she has lived in our house.

Q. When did Roberta first go with you to the United States? Why?—A. November 21, 1951, so that I can give her a good education.

Q. What was the nature of your relationship with Roberta at that time?—A. I treated her like my sister.

Q. Did you and Roberta travel together to the United States on the *President Cleveland* in 1951?—A. Yes, sir.

Q. Why did the La Mallorca Co. assume responsibility for Roberta at that time?—A. Because my mother is the owner of La Mallorca Transportation.

Q. What is the nature of your relationship with Lorenza Galura Vda. de Enriquez?—A. That's my mother.

Q. What is her relationship to Roberta?—A. We treat Roberta like our real child.

Q. Is there any blood relationship between your mother and Roberta?—A. No, sir.

Q. In 1951 Roberta said she wished to go to the United States for 6 months. Why did she stay for 22 months?—A. Because we were supposed to get her a permanent visa here, but couldn't. So we got her an immediate visa.

Q. You knew that she would stay in the United States longer than 6 months?—A. Yes, sir.

Q. Did she have any medical treatment in the United States? For what? When? Where?—A. Yes, sir. She had tonsilitis in January 1952 in San Francisco.

Q. Did she ever obtain treatment for the chronic asthma and chronic eczema she said she was suffering from in 1951?—A. Yes, sir.

Q. When was this?—A. The same date we went to the doctor. We kept going there every 2 weeks.

Q. In order to receive treatment for chronic asthma and chronic eczema?—A. Yes, sir.

Q. Was this also in San Francisco?—A. In San Francisco.

Q. Do you remember the name of the doctor in San Francisco?—A. Dr. Garcia, his first name is something like Leon.

Q. Do you remember where his office was located?—A. I forgot, sir.

Q. Why did Roberta leave the United States in 1953?—A. We joined my husband in Germany.

Q. Did Roberta attend school in San Francisco?—A. Yes.

Q. Do you recall the name of the school?—A. It was the Galileo High School.

Q. Did she go to school in Germany?—A. Yes, sir; in an American school.

Q. Did you and Roberta live together from the time she was born?—A. Yes, sir.

Q. Did Roberta work in your household here in the Philippines?—A. She never work, sir. She just go to school; sometimes she stops her schooling.

Q. Did she work in your home at San Francisco or in Germany?—A. No, sir. Of course, when she is not going to school she helps me.

Q. What work does Roberta do now?—A. She never work. She is staying in my mother's house, where we live.

Q. Does she help with your household chores?—A. Yes, sir.

Q. Would you please describe in detail the nature of her duties?—A. She never work because we have plenty of maids. She just play with my children.

Q. Does she serve as nursemaid for the children?—A. She does not.

Q. Does Roberta hold the position of a servant in your household?—A. No, sir.

VICTORIA ENNIQUEZ MACASPAC.

REPUBLIC OF THE PHILIPPINES, CITY OF MANILA,
Embassy of the United States of America, ss:

I, Frank E. Cash, Jr., consul of the United States of America at Manila, Philippines, do hereby certify that in pursuance of a request from the Department of State I examined Victoria Enriquez Macaspac

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at my office in Manila, Philippines, on the 9th day of May 1956, and that the said witness being to me personally known and known to me to be the same person named and described in the questions, being by me first sworn to testify the truth, the whole truth, and nothing but the truth in answer to the questions in the cause in which the request for deposition was issued, her evidence was taken down under my direction, and after being read over by her, was subscribed by her in my presence; and I further certify that I am not counsel or kin to any of the parties to this cause or in any manner interested in the result thereof.

In witness whereof, I have hereunto set my hand and affixed the seal of the Embassy of the United States of America at Manila, Philippines, this 9th day of May 1956.

[SEAL] FRANK E. CASH, Jr.,
Consul of the United States of America.

Anna Poulos—H. R. 8052, by Mr. Lane

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 10, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8052) for the relief of Anna Poulos, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass. office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota for Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANNA POULOS, BENEFICIARY OF H. R. 8052

Information concerning this case was obtained from Mr. and Mrs. Peter N. Poulos, the adoptive parents of the beneficiary.

Anna Poulos is a 4-year-old child, a native citizen and resident of Greece, who was born on August 9, 1951. She has never been in the United States. She was adopted in a Greek court on May 14, 1955, by Mr. and Mrs. Poulos, the interested parties in her case. She is 1 of 6 children of Angelo Aliferis and his wife, Anthi. Mr. Angelo Aliferis is the uncle of Mrs. Poulos. Mr. and Mrs. Aliferis are in Greece and agreed to the adoption.

Mr. and Mrs. Poulos are United States citizens and reside at 55 Franklin Street, Lynn, Mass. Mr. Poulos was born in Warren, Mass., on September 9, 1919. Mrs. Poulos nee Chipouros was born in Lynn, Mass., on February 6, 1922. They were married in Lynn, Mass., on February 3, 1946. They have testified that this is their only marriage and they have but one child from their marriage, a son, Arthur, born in Lynn, Mass., on January 3, 1947. Mr. Poulos stated that he has a one-third interest in the Massachusetts Corrugated Box Co., Inc., 12 Dade Street, Roxbury, Mass., a jobbing concern, and a one-third interest in the building in which the business is located. The building is valued at $10,000 and Mr. Poulos values his interest in the business at $7,000. He has an income from the business of between $3,500 and $4,000 annually and has been in this business for the past 5 years. They contribute on an average of $10 a week toward the support and maintenance of their adopted daughter and also send money at frequent intervals for clothing.

Mr. Poulos served in the United States Army from 1942 to 1946 and was honorably discharged.

DEPARTMENT OF STATE,
Washington, March 16, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 13, 1956, requesting a report of the facts in the case of Anna Poulos, the beneficiary of H. R. 8052 which has been introduced by Mr. Lane on January 3, 1956.

The Department's files contain a report dated February 7, 1956, from the Embassy at Athens indicating that Anna Poulos is the beneficiary of an approved fourth preference petition filed on her behalf by her adoptive father, Peter M. Poulos on June 20, 1955. Her birth date is given in the petition as August 9, 1951. The report states that Anna Poulos is registered on the Greek quota waiting list with a priority date of June 14, 1955. Owing to the oversubscribed condition of the Greek quota she would face an undetermined wait before her turn could be reached to receive a fourth preference quota immigrant visa. It has not been possible to consider the application of Anna Poulos under the provisions of section 4 (a) (8) of the Refugee Relief Act of 1953 as amended owing to the large number of fourth preference cases already in process under the act. An application has not moreover been submitted by the child's adoptive father for her consideration as an eligible orphan under section 5 (b) of the act.

In the event that H. R. 8052 should be enacted it will be possible for the Embassy to give prompt consideration to the visa application of Anna Poulos in the event a petition is filed on her behalf with the Immigration and Naturalization authorities and approved by the Attorney General.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

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Upon consideration of all the facts in each case included in the joint resolution, the committee is of the opinion that House Joint Resolution 636, as amended, should be enacted and accordingly recommends that it do pass.

Cecelia Therese Lynch—S. 3627

The beneficiary is a 9-year-old native and citizen of Japan, who presently resides in that country. She is to be adopted by Mr. and Mrs. Donald F. Lynch, who are United States citizens, residing in Seattle, Wash. Mr. and Mrs. Lynch have also adopted 2 other children, who have been admitted into the United States under the Refugee Relief Act of 1953, as amended, which act limits to 2 the number of children to be adopted by a family. Mr. and Mrs. Lynch are very anxious that the beneficiary be permitted to enter the United States.

A letter, with attached memorandum, dated June 20, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 20, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3627) for the relief of Cecelia Therese Lynch, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Seattle, Wash., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the beneficiary pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that she shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota for Japan.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CECELIA THERESE LYNCH, BENEFICIARY OF S. 3627

Information concerning the case was obtained from Donald Francis Lynch, prospective adoptive father of the beneficiary.

The beneficiary, Cecelia Therese Lynch, a native and citizen of Japan, was born on February 11, 1947. She resides at Our Lady of Lourdes Baby Home, 68 Yamatecho, Yokohama, Japan.

The beneficiary is attending a public school in Yokohama and is in the third grade. She has no income and no assets. The beneficiary is a war orphan, and her blood parents are unknown. She has never been in the United States.

Mr. Donald Francis Lynch resides at 932 18th Avenue North, Seattle, Wash. He has testified that he has been married only once and that he and his wife have two blood children, ages 18 and 15, both born in the United States, and two adopted children, ages 8 and 7, both born in Japan. It is Mr. and Mrs. Lynch's intention to adopt the beneficiary prior to the child's leaving Japan, but such adoption cannot be consummated in the Japanese courts until the court receives evidence that beneficiary is admissible to the United States. Mr. Lynch is an insurance executive and earns about $9,000 a year. He owns real estate valued at $12,500, encumbered by a $6,900 mortgage, and personal property valued at about $11,000.

Senator Warren G. Magnuson, the author of the bill, submitted the following letter in support of the bill:

SEATTLE, WASH., *March 19, 1956.*

Re: RRP 150, Lynch, Cecelia Therese, Office of the Deputy Administrator, Refugee Relief Program, Washington, D. C.

Hon. WARREN G. MAGNUSEN,
United States Senate Office Building,
Washington, D. C.

DEAR SENATOR: Please consider this a request for your interest and sponsorship of a bill to authorize the consulate at Yokohama, Japan, to issue a visa to Cecelia Therese Lynch, age 9, which is case No. RRP 150, as referred above. Assurances have been forwarded by the State Department to the United States consulate at Yokohama but they, in turn, refuse to issue the visa, referring us to law 203, 83d Congress, section 5 (a), which states that any one family be allowed to adopt 2 children only.

A year ago we received into our home two orphan girls from Japan, fathered by American servicemen and abandoned by their mothers. These can be found in various orphanages throughout Japan where they are social outcasts, considered by many of the natives as unwanted freaks, doomed to a future of no marriage nor job opportunities.

The case of Cecelia Therese came to our attention a few months ago, which resulted in our instituting proceedings for adoption. All requirements were met both with the Japanese courts and the orphanage officials—everything was going smoothly until notified by the consulate at Yokohama of the restrictions in the Relief Act. After further investigation of this restriction, we find that in many preceding cases Congress has taken a very humane attitude in allowing exceptions. I refer, particularly, to the case of Mr. and Mrs. Henry Holt, of Creswell, Oreg., who obtained the same privilege for eight children (see attached clipping).

The above-mentioned restriction has resulted in a disillusioned family here in Seattle and a heartbroken little 9-year-old Cecelia in Yokohama who is waiting to come to a new mother and dad in America. Realizing the humane concept of our laws, I know that our great country was never too big to take a 9-year-old orphan to its heart.

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We had the pleasure of meeting, upon your return trip from Walla Walla to Seattle in November. You came with me, in my car, from King County Airport to your office building.

Senator, your haste in this matter could affect the future of this child, since any delay will render her ineligible to another family (if one can be found). In the meantime, we are not releasing her as we feel so sure you can help us in this matter so dear to our heart.

Very truly yours,

DONALD F. LYNCH.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 636), as amended, should be enacted.

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Calendar No. 2485

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2451

GIUSEPPE SCALIA

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 579]

The Committee on the Judiciary, to which was referred the bill (S. 579) for the relief of Giuseppe Scalia, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to cancel the outstanding deportation proceedings in the case of Giuseppe Scalia and to provide that he shall not again be subject to deportation by reason of the same facts on which the present proceedings are based.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native of Italy who last entered the United States at New York on January 28, 1950, as a crewman. He married a United States citizen in 1951 and they have one child. He presently resides with his wife and child in Baltimore, Md., and is employed as a bricklayer. Information is to the effect that he joined the Communist Party in Italy in order to obtain employment, but was expelled from the party shortly after his 21st birthday. After entering the United States, he altered a birth certificate to obtain a social-security card and failed to register as an alien. The committee is of the opinion that out of compassion for the United States citizen wife and child, the deportation proceedings should be canceled in behalf of the beneficiary.

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A letter, with attached memorandum, dated May 13, 1955, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 13, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 579) for the relief of Giuseppe Scalia, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Baltimore, Md., office of this Service, which has custody of those files.

This alien is in the United States under deportation proceedings. If enacted, the bill would in effect direct the termination of those proceedings against him. It further directs that he shall not again be subject to deportation by reason of the same facts.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GIUSEPPE SCALIA, BENEFICIARY OF S. 579

Giuseppe Scalia, also known as Joseph Lagana, Giuseppe Lagana and Joseph Scalia, was born in Palermo, Italy, on March 22, 1927. He is married. His wife is Philomena Scalia, nee Cucco, a native-born United States citizen. They were married on March 3, 1951, at Philadelphia, Pa. A daughter, Simone Vincent Scalia, was born as a result of this marriage, on February 1, 1952, at Baltimore, Md. They have no other children. Mr. Scalia resides at 915 Stiles Street, Baltimore, Md., with his family. His present occupation is that of a bricklayer and he earns approximately $400 a month. He owns personal property valued at $3,000 and has a bank account of $1,600.

He attended public school in Palermo, Italy, until he was 17 years of age and then attended a merchant-marine school for 1 year. He is presently attending McCoy College, Baltimore, Md. His mother and father, who are citizens of Italy, reside in Italy. He has a cousin, John Scavo, residing at 339 East 12th Street, New York City.

Mr. Scalia last entered the United States at the port of New York, N. Y., on January 28, 1950, at which time he was admitted as a seaman for a period not to exceed 29 days. He received no extensions of stay. He violated his status, in that, after admission as a seaman, he remained longer than permitted under the law. Deportation proceedings were instituted on October 11, 1950, and after being accorded a hearing, an order for his deportation was entered on the

grounds that, after admission as a seaman, he remained in the United States longer than permitted, and he had been a member of the Communist Party of Italy prior to his last entry. Such order is outstanding at this time.

Mr. Scalia has admitted to this Service that he joined the Communist Youth Party in Italy in 1944 and attended meetings and social functions of that party until May 1948, at which time he was expelled from the party. He further admitted that he wrote news articles for a Communist publication in Italy. He maintains that he joined the Communist Party in order to obtain employment; however, the record does not appear to sustain that allegation.

When apprehended by this Service, he was in possession of an altered birth certificate which indicated that one Joseph Lagana was born in Baltimore, Md., on March 22, 1927. He admitted that he had altered the certificate and had obtained a social-security card in the name of Joseph Lagana, the name he was using when apprehended by this Service. It was also determined that he had failed to comply with the requirements of the Internal Security Act of 1950 regarding the registration of aliens in the United States. The facts of this case were presented to the United States attorney at Baltimore, Md., on September 13, 1951; however, prosecution was declined because it appeared that the alien would be deported under the provisions of the Internal Security Act of 1950.

Senator J. Glenn Beall, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

BALTIMORE, MD., *April 12, 1956.*

Hon. JAMES O. EASTLAND,
Chairman of the Senate Judiciary Committee,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I am taking the liberty of writing to you concerning the bill S. 579, that was introduced by Senator J. Glenn Beall, of Maryland, in January 1955 on behalf of my husband, Joseph Scalia.

I believe that this bill will come before you and your committee in the near future. I am pleading and begging you to help us by giving it your utmost and favorable consideration.

We have been married over 5 years and have a 4-year-old son. We are anxious to have a normal family life and to plan accordingly. We have lived in fear, anxiety, and tension and this has been transmitted to our son who realizes there is something wrong.

My husband is very religious and has gained the respect of our pastor. He has also proven to be a good husband, father, and an asset to our community.

Please give him a chance to stay here and I am sure he will prove to be a good citizen and live up to the expectations required of him. I beg you from the bottom of my heart to help us in every way possible so that we can be together.

We desperately need your help and may God bless you always.

Sincerely,

MRS. PHILOMENA SCALIA.

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LAW OFFICES FILINDO B. MASINO,
Philadelphia, Pa., May 20, 1955.

Re Giuseppe Scalia, S. 579.

SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D. C.

(Attention: Fred Mesmer, Esquire, Chief, Technical Staff, Subcommittee on Immigration and Naturalization.)

GENTLEMEN: I hasten to submit the following memorandum for your consideration in the above matter and join with the other persons whose testimonials are submitted herewith in attesting to the good moral character of Mr. Scalia and his attachment to the principles of our Constitution and favorable disposition to the good order and happiness of the United States.

This bill relates to a 28-year-old male, native and national of Italy, who last entered the United States through the port of New York, N. Y., on January 28, 1950, on the steamship *Castle Woods*, at which time he was admitted as a seaman for a period not to exceed 29 days. He remained longer than the time permitted by law, which rendered him deportable. He was arrested by the Immigration Service on October 11, 1950, and accorded various hearings, after which the Board of Immigration Appeals, by order dated April 27, 1951, granted him the privilege to depart voluntarily from the United States at his own expense in lieu of deportation. He married a native-born American citizen on March 3, 1951; her visa petition according him nonpreference status was approved on March 23, 1951; and preexamination was authorized for his benefit, administratively, by the district director at Baltimore, Md., on June 12, 1951.

Mr. Scalia was formerly a member of the Italian Federation of Sea Workers, an affiliate of the Camera del Lavoro, and membership was compulsory to obtain employment in Italy as a seaman. He never joined any other seamen's union in the United States.

At the time of his apprehension he was found in possession of a birth certificate issued by the Baltimore Health Department, bearing the name of Joseph Lagana. He testified that he found a birth certificate and erased the original name appearing thereon, substituting the name of Joseph Lagana (Lagana being his mother's maiden name), and claims to have used the certificate merely for the purpose of securing employment ashore, since he was unable to reship as a seaman. There is no evidence that he ever used the birth certificate for any other purpose; and there has been no affirmative showing by the United States Department of Justice that he at any time represented himself to be an American citizen to deceive the Government or secure any material benefits as an American citizen. It is worthy to note that notwithstanding the incident of the corrected birth certificate, the Board of Immigration Appeals found Giuseppe Scalia to be a person of good moral character and eligible for the remedial relief afforded by law to adjust his immigration status.

By order of the Board of Immigration Appeals dated October 25, 1951, his hearing was reopened for the reception of evidence relating to his membership in the Communist Party in Italy; and testimony was taken in the matter at two hearings held on November 19 and December 7, 1951. According to the evidence, Giuseppe Scalia joined the youth section of the Italian Communist Party in 1944 when he

was 17 or 18 years of age, and remained therein until his expulsion in May of 1948 for absenteeism, imperceptibility, and political effrontery. He testified that he joined the organization to obtain work as a seaman but never obtained employment. Although membership is admitted, the record is bare of any evidence of subversive activities and/or beliefs in the ideology of the Communist Party as established in the U. S. S. R.

At the reopened hearings there was lodged against him a charge that he was deportable under the Act of 1918, as amended by section 22 of the Internal Security Act of 1950; and he was ordered deported on this charge by opinion of the hearing officer dated January 7, 1952. Upon appeal to the Commissioner of Immigration and Naturalization, the decision of the hearing officer was affirmed on August 5, 1952, and the case was certified to the Board of Immigration Appeals for final decision.

Upon oral argument before the Board, I stated that the alleged charge could not be sustained since Scalia entered the United States before enactment of the Internal Security Act, and I cited *Matter of Vilhelm Fritz Rathjens* (A-6490982), decided by the Commissioner of Immigration and Naturalization on April 4, 1951. I also directed the Board's attention to the fifth circuit court's decision in *Berrebi* v. *Crossman* (208 F. 2d 498), decided December 22, 1953, rehearing denied March 15, 1954, which interpreted section 4 (a) of the Internal Security Act of 1950, the act under which the second charge was lodged against Scalia at the reopened hearing. The Board of Immigration Appeals dismissed the appeal; but the Department of Justice did not enforce deportation because of the introduction of bill S. 1799 by the Honorable J. Glenn Beall on April 29, 1953, for the relief of the alien.

On April 23, 1954, Senator Beall was notified in writing by the Honorable William Langer, chairman of the Senate Judiciary Committee, that S. 1799 was postponed indefinitely because the beneficiary then appeared to be eligible under regulations governing voluntary departure and preexamination. Accordingly, I filed a motion with the Board of Immigration Appeals on May 20, 1954, to reconsider, reopen proceedings, and reinstate discretionary relief on the basis of Senator Langer's letter, and directed the Board's attention to the fact that the alien's present eligibility for remedial relief appeared to be predicated upon the redemption provisions of section 212 (a) (28) (I) of the Immigration and Nationality Act of 1952.

At oral argument I again cited the *Berrebi* v. *Crossman* decision and suggested interim decisions Nos. 502 and 522 in support of the motion. By order dated October 27, 1954, the Board of Immigration Appeals dismissed the motion for reconsideration and reopening of the proceedings and denied reinstatement of the privileges of voluntary departure and preexamination. This decision was not based entirely upon the human aspects of the case and the discretion allowed by the redemption clause and section 244 (e) of Public Law 414; but was bottomed principally upon the subject's recent membership in the Communist Party of Italy and his attendance at social and business meetings of that party up until a year before his departure from Italy. It is felt that the Board's finding is not supported by the evidence and not in keeping with the policy of the Department of Justice and

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Department of State in granting favorable consideration to bona fide defectors.

In conclusion, May I state that not only is he married to an American citizen, but he is the parent of a native-born minor citizen child; and both his wife and child are dependent upon him for support. The human aspects and equities of the case suggest favorable consideration of the bill introduced for his relief, since the Immigration and Nationality Act of 1952 affords no avenue for him to adjust his immigration status under the present policy of the Immigration and Naturalization Service. Deportation would seriously affect the alien and his family economically, by disbanding the family unit and throwing his wife and child on the mercy of public charity.

May I further state that it has been my part to represent Mr. Scalia since the time that he first became a subject of deportation proceedings; and from that time on I have had occasion to meet with him, his family and the family of his wife, both professionally and socially, at their home in Baltimore, Md. I repeat for emphasis that he is and has been a person of good moral character, attached to the principles of the Constitution and well disposed to the good order and happiness of the United States.

As a result of my personal contact with him and his family, I can state unequivocally that he has never been nor ever will be a risk to our internal security. Further, it is my honest professional opinion that the Immigration and Nationality Act of 1952 affords him an administrative remedy for adjusting his immigration status, but remedial relief has not been made available to him because of the present strict and rigid policy of the Service in defector cases.

Under section 244 (a) (5) of the Immigration and Nationality Act of 1952, he would be eligible for the maximum relief of suspension of deportation, but it is required that he be in the country for at least 10 years. However, section 244 (e) of the act authorizes voluntary departure and, under present regulations, preexamination in his case, but the Service has refused to grant these privileges as a matter of administrative discretion.

Therefore, I respectfully submit that the only avenue open to keep the Scalia family intact would be through congressional action.

Yours very truly,

FILINDO B. MASINO.

SENATE OF MARYLAND,
Annapolis, Md., May 12, 1955.

SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D. C.

GENTLEMEN: This is to certify that I have known Mr. Joseph Scalia for the past 4 years and have seen him at least once a week as he resides in the same community with myself. I have observed him to be a person of good moral character, industrious, unquestionable integrity, and a person who commands the respect of his neighbors.

The subject in question is S. 579, which if favorably considered will enable Mr. Scalia to remain in the United States, where, I firmly believe he will prove himself to be an asset.

Sincerely,

JOSEPH A. BERTORELLI.

PALLOTTINE FATHERS,
Baltimore, Md., May 10, 1955.

Re S. 579

SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D. C.

DEAR GENTLEMEN: It is indeed a pleasure for me to write this letter in favor of Joseph Scalia of 915 Stiles Street, Baltimore, Md., personally known to me for the past 5 years, since his arrival to this country.

Because of my personal contact with him, I can without the slightest reservation vouch for his integrity, honesty, and deep religious convictions. I have always known him to be a sincere Catholic gentleman, a faithful member of the Holy Name Society, and one who has always displayed genuine devotion to God and to the principles upon which our country was founded.

As a family man—having been married for the past 4 years—he has demonstrated that he is a good provider, a faithful husband and a loving father. He is definitely an asset to the community in which he lives.

Please note that as an American who has no love for subversives, I would never recommend Joseph Scalia to your kind consideration if I had the slightest reason to question his loyalty or his principles.

Hoping that you will consider Joe's case favorably and confident that he will become an examplary naturalized citizen, if given the chance, I remain

Truthfully yours,

Rev. G. J. CARCICH, S. A. C., *Director.*

THE G. & L. CONSTRUCTION CO.,
Baltimore, Md., May 13, 1955.

SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D. C.

GENTLEMEN: Joseph Scalia has been employed by us off and on for the last 2 years. We have always found him to be honest and reliable.

We feel that Mr. Scalia will be an asset to his community, never a burden, and we feel he is and always will be a good citizen of the United States of America.

Very truly yours,

GEORGE ARCONTI, *President.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 579) should be enacted.

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Calendar No. 2486

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2452

GUILLERMO B. RIGONAN

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1407]

The Committee on the Judiciary, to which was referred the bill (S. 1407) for the relief of Guillermo B. Rigonan, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Guillermo B. Rigonan. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is an 18-year-old native and citizen of the Philippines who entered the United States at San Francisco, Calif., on October 13, 1953, as a student. His uncle, with whom he has been residing while attending high school, is a naturalized citizen of the United States who served with the United States Armed Forces during World War II. The beneficiary's father has died and his mother is having a difficult time financially with a large family. His uncle and wife wish to adopt the beneficiary.

A letter, with attached memorandum, dated May 22, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 22, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1407) for the relief of Guillermo B. Rigonan, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cleveland, Ohio, office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for the Philippines.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GUILLERMO B. RIGONAN, BENEFICIARY OF S. 1407

The beneficiary, Guillermo B. Rigonan, a native and citizen of the Philippines, was born on June 23, 1938. He is unmarried and resides at Port Clinton, Ohio, at the home of his uncle, Mr. Paul Balangue. He is a student at Port Clinton High School and is dependent upon Mr. Balangue for support. His parents reside in the Philippines where his father is employed as a postal clerk.

Mr. Rigonan entered the United States at San Francisco, Calif., on October 13, 1953, as a student. Extensions of stay to October 10, 1956, have been authorized.

Deportation proceedings were instituted on April 5, 1955, on the ground that he had failed to maintain the nonimmigrant status in which he was admitted. As a result of a hearing on June 1, 1955, the proceedings were terminated. The decision of the special inquiry officer stated in effect that the desire of the uncle that the beneficiary be allowed to remain permanently in the United States could not be imputed to the beneficiary.

Mr. Paul Balangue was born in the Philippines on January 16, 1902, and became a naturalized citizen of the United States on December 14, 1944. He resides with his wife and the beneficiary at Port Clinton, Ohio. He is employed as a clerk by the Erie Ordnance Depot, La Carne, Ohio, and receives a salary of $3,500 a year. He served in the United States Army during World War II and received an honorable discharge. Mr. Balangue has testified that he desires his nephew to remain in the United States, but he admits that he has had no correspondence with the beneficiary's parents regarding the matter.

Senator William Langer, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

PORT CLINTON, OHIO, *June 7, 1956.*

Hon. WILLIAM LANGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your kind letter has been received and we thank you for your prompt reply.

Shortly before the death of our nephew's father, his parents sent us their consent for the adoption of Billy, a copy of which is enclosed. We are willing to adopt him, if it is possible.

Senator, since time is growing very short we hope will not be involved in the same experiences we had last summer; because of existing circumstances, it is hard to take.

Sincerely hope to hear something good very soon. We will appreciate any early information in regard to your private bill.

Our nephew has written a few lines to you in a separate cover which is enclosed also.

Your old friend,

PAUL C. BALANGUE.

PORT CLINTON, OHIO, *June 8, 1956.*

Hon. WILLIAM LANGER,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: This is to inform you that we are willing to adopt Guillermo B. Rigonan, son of Donato and Maxima Rigonan of the Philippine Islands. Guillermo B. Rigonan came to live with us October 10, 1953. His father died April 7, 1956. If adoption is possible, the boy can further his education, receive good training, and will become a good American citizen in the future.

Yours sincerely,

PAUL C. BALANGUE.
ELLA F. BALANGUE.

PORT CLINTON, OHIO, *June 8, 1956.*

Hon. W. LANGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: My auntie and uncle speak of you so often, being you are their very good friend. I want to write to you at this time about my situation here and to thank you for your kindness.

I just finished my third year in Port Clinton High School. I would like very much to continue my studies here. Next year I will be a senior in high school if I can stay.

You already know that my father passed away April 7, 1956. When I bid him goodby almost 3 years ago, his wishes were that I study and remain with my auntie and uncle, where I would have better surroundings and more opportunity.

Please, Senator, do something for me. I want to stay in the United States so I can help my poor mother.

I thank you for your kind help and God be with you always.

Very sincerely,

GUILLERMO (BILL) RIGONAN.

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[Copy]

SPECIAL POWER OF ATTORNEY

Know all men by these presents: That we, Donato Rigonan and Maxima Balangue-Rigonan, spouses, Filipinos, of legal age, and residing at Manila, Philippines, have this date named, constituted, and appointed and by these presents do hereby name, constitute and appoint Mateo Vergara and Mary Vergara, American citizens (husband and wife), of legal age, and presently residing in the city of Chicago, State of Illinois, United States of America, to be our lawful attorney-in-fact, for us and in our names, place and stead, to do and perform the following acts and things as follows.

To represent us in the adoption proceedings to be instituted in the proper court of the State of Ohio, U. S. A., by petitioner Paul C. Balangue for the adoption of our son, Guillermo Rigonan, a minor, Filipino, now residing with him in Ohio to which we freely and spontaneously agree and give our consent to such adoption and will not register any objection thereto, it being for our son's welfare and benefit, and hereby agree that our son's name be changed to Guillermo Balangue;

That by virtue of these presents, we hereby give and grant unto said attorneys-in-fact such power and authority to do and perform all and every act or thing whatsoever requisite or necessary to be done in and about the premises, hereby waiving our right to appear in any such proceedings in favor of the hereunto named attorneys-in-fact to perform all such acts which we could lawfully do if present, and hereby ratifying and confirming all that said attorneys-in-fact shall do by virtue of this power of attorney.

IN WITNESS WHEREOF, we have hereunto set our hands this 28th day of January 1956, in the City of Manila, Philippines.

(S) Donato Rigonan
DONATO RIGONAN
(S) Maxima Balangue-Rigonan
MAXIMA BALANGUE-RIGONAN

Signed in the presence of—
(S) JULIANA A. SISON.
BERNARDO W. BUECS.
Acknowl.

[Copy]

REPUBLIC OF THE PHILIPPINES,
City of Manila, ss:

Before me, in the City of Manila, Philippines, this 28th day of January 1956, personally appeared Donato Rigonan, with residence Certificate No. A–0170610, issued at Manila, Philippines, on January 23, 1956, and Maxima Balangue-Rigonan, with Residence Certificate No. A–0360281, issued at Manila, Philippines, on August 10, 1955, personally known to me and to me known to be the same persons who executed the foregoing Special Power of Attorney and they acknowledged to me that the same is their free, voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the place and date first above-written.

(Signed) Anastacio R. Anteola
ANASTACIO R. ANTEOLA,
Notary Public.

My commission expires, December 31, 1956.

REAMS, BRETHERTON & NEIPP,
Toledo, Ohio, May 19, 1955.

Re S. 1407, for the relief of Guillermo B. Rigonan.

Hon. WILLIAN LANGER,
Senator from North Dakota, Washington, D. C.

DEAR SENATOR LANGER: Your letter of May 11 is very much appreciated. Mr. and Mrs. Paul Belangue were in my office again today.

On next Tuesday, May 24, at 11 a. m., their nephew, Guillermo B. Rigonan, is summoned to appear at the Toledo Immigration Office for a hearing before an examiner from Detroit. He is charged with being in this country illegally to wit: Having come here under a student visa, he secured the introduction of a bill in the Congress of the United States (S. 1407) to change his status from student to permanent.

The immigration officer here told me on the phone today that they expect to show to this immigration examiner on next Tuesday that the facts stated in this charge are true and to ask that his student visa be canceled. However, he said that until there is some action on this bill or until the end of this Congress, deportation will be suspended.

Senator, I believe that you can confirm the facts in this case as follows: This boy came to live with his uncle on a student visa. The uncle believed that it was better for the boy to have a normal existence here and made an application for an after-school work permit. This was denied and Paul Belangue then wrote you to ask if you could help to change his status so that he might have the privileges and opportunities of the normal boy living in this country. Belangue did not realize that this would jeopardize his chance to stay in this country, at least until his program of education has been completed.

I am not now a Member of Congress and, if I were, Paul Belangue would not be in my district. However, I feel that he has done nothing intentionally wrong. It is my belief that the immigration officers here are annoyed at Belangue and are going to make every possible effort to get this alien boy sent out of the country as soon as possible.

I hope very much that your private bill will pass or that at least this boy may be permitted to stay here until he has completed his education.

With great appreciation of your kindness and thoughtfulness of people who need a friend, I am

Sincerely yours,

FRAZIER REAMS.

P. S.—Be assured that my interest is as a friend and I am receiving no compensation whatsoever.

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PORT CLINTON, OHIO, *July 16, 1955.*

Hon. WILLIAM LANGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your letter of June 30, concerning our nephew was indeed a great surprise to use which we did not expect. Thank you very much.

Our nephew, Bill Rigonan, came to the United States as a student, not as an exchange student; we had him come here to give relief to my sister who is the mother of this boy; as a result of the Japanese occupation, which left a large family in much distress and in poverty.

Inasmuch that Bill Rigonan is not an exchange student, he should be an exception, as to the case of the relief of Kurt Glaser, which was vetoed by the President. This is entirely a different case. Since my nephew's case as you mentioned before is your own private bill should have more consideration because of the difference in nature.

The decision of special inquiry officer from Detroit, Immigration and Naturalization Service, held in Toledo, May 24, 1955, says that they have no evidence of objection of my nephew's becoming a permanent resident. I sent you a copy of this inquiry, Senator, June 6, and I wish you please look it over.

Senator, please see what you can do further in my nephew's case, we would appreciate it very much.

Mr. Oliver True whom I mention would come and see you on his return from Europe, arrived here this week. He failed to stop in Washington, D. C. because of circumstances. Wish you could have met him.

Wishing you the best and may God bless you.

Sincerely yours,

PAUL C. BALANGUE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1407) should be enacted.

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Calendar No. 2487

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2453

RACHID ABDALLAH

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1626]

The Committee on the Judiciary, to which was referred the bill (S. 1626) for the relief of Rachid Abdallah, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Rachid Abdallah. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 34-year-old native and citizen of Lebanon who arrived in the United States on July 9, 1950, at Miami, Fla., and was admitted for permanent residence upon presentation of a preference quota immigration visa. Earlier in 1950 he was married to a United States citizen in Cuba. They were divorced in 1952 and the beneficiary contributes $10 per week toward the support of their child, who is a United States citizen. He was convicted in Lebanon in 1947 of traffic in narcotic substances, but information is to the effect that he was falsely accused. The beneficiary's father is deceased and his mother resides in Lebanon. He is presently residing in Parma, Ohio, where he is employed.

A letter, with attached memorandum, dated June 16, 1955, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 16, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1626) for the relief of Rachid Abdallah, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cleveland, Ohio, office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Lebanon.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE RACHID ABDALLAH, BENEFICIARY OF S. 1626

The beneficiary, Rachid Abdallah, a native and citizen of Lebanon, was born on April 22, 1922, in Aramoun, Lebanon. On January 12, 1950, at Havana, Cuba, he married Mary Morad, a citizen of the United States, who was born on May 6, 1921, at Cleveland, Ohio. Of this marriage, a daughter, Theresa, was born on October 10, 1950, at Cleveland, Ohio. The beneficiary has testified that he lived with his wife for approximately 4 months after his entry into the United States. The marriage was terminated by divorce on January 21, 1952, in the Court of Common Pleas, Cleveland, Ohio, and Mr. Abdallah contributes $10 a week toward the support of the child.

The beneficiary resides at 3418 George Avenue, Parma, Ohio, and is employed by the City Plumbing & Heating Co., 2421 St. Clair Avenue, Cleveland, Ohio, as a laborer. He has had the equivalent of 7 years' grade-school education. His present earnings total approximately $100 a week and he claims to have assets in the United States in the form of personal belongings and cash amounting to approximately $1,100.

The beneficiary's father is deceased and his mother resides in Lebanon; he has 2 aunts and an uncle in the United States; a brother and 5 sisters reside in Lebanon. He was admitted to Cuba as a visitor from his native country on October 9, 1949, and resided in Habana, Cuba, until he immigrated to the United States.

The beneficiary arrived in the United States on July 9, 1950, at Miami, Fla., by plane, and was admitted for permanent residence upon presentation of a preference-quota immi-

gration visa. However, it was subsequently developed that on April 15, 1947, at Beirut, Lebanon, the beneficiary pleaded guilty to and was convicted of the charge of traffic in narcotic substances, for which he received a 6 months' suspended sentence and was ordered to pay a fine of 25 Lebanese pounds. In connection with his application for an immigration visa at the American consulate in Habana, Cuba, on July 9, 1950, he submitted a certificate of the Beirut, Lebanon, police department showing no criminal record.

On September 14, 1953, a warrant for his arrest in deportation proceedings was issued, and on April 21, 1954, the special inquiry officer found him deportable as one who had been convicted of a violation of a law relating to the illicit traffic in narcotic drugs and as one who was excludable at the time of entry for the reason that his visa had been procured by fraud or misrepresentation.

On January 27, 1955, the Board of Immigration Appeals dismissed the beneficiary's appeal insofar as it related to his deportability under 241(a)(11) of the Immigration and Nationality Act but sustained his appeal as to deportability on the charge of having procured a visa by fraud, since if the conviction had been made known to the American Consul in 1950 when applying for his immigration visa, it would not have been a bar to the issuance of such visa under the then existing law, it not having been determined that the crime involved moral turpitude.

The beneficiary has had no military service in the United States or any other country. A warrant for his deportation was issued on March 23, 1955, and is presently outstanding.

Senator George H. Bender, the author of the bill, has submitted numerous letters and documents in connection with the case, among which are the following:

[Translation]

I, the undersigned party, Shibley Schdeed Naseef, from Aramoon, in the district of Aley, Lebanon, make the following statement: That in 1946 while I was going in a taxicab for a pleasure trip, I accidently saw my friend Richard Fares Abdallah standing along the road.

I haled him and asked if he would not join me and he accepted. As we were riding along, the police stopped our taxicab (which is owned and operated by the driver) and made search of the car. The police confiscated some material of which Richard had no knowledge of at all. Neither did he know of its contents, but rather the driver was the owner of the material found and confiscated and my friend Richard was falsely accused of knowing anything about the contents, being "ha-shee-shee."

This statement given December 12, 1954.

SHIBLEY NASEEF.

The above signature was notarized by the justice of the peace of Aramoon.

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This letter was also translated by Souhail Rahal, a Lebanese student attending Western Reserve University.

SOUHAIL RAHAL.

STATE OF OHIO,
Cuyahoga County, ss:

Before me, a notary public in and for said county and State, personally appeared the named Souhail Rahal who acknowledged that he did translate the above letter to the best of his ability and that the same is his own free act.

In testimony whereof, I have hereunto set my hand and official seal, at Parma, Ohio, this 16th day of February A. D. 1955.

[SEAL] JOHN CRISAFI,
Notary Public.

My commission expires June 7, 1956.

[Translation]

I, the undersigned party, Joseph Ameen Dakdook, Mohtar of Aramoon, (similar to our justice of the peace in a town) state the fact that Richard Fares Abdallah was a former resident of our town, Aramoon, Lebanon. He is person of high character and good behavior and all his doings and dealings were beyond reproach and acceptable. I further state that he was never arrested prior to his incident which accusations that were made were false and he had no relation with whatever charges were made against him whatsoever. I am giving this statement to clarify him from the charges which should not have been made.

Dated: January 13, 1954.

This letter received from the Justice of the Peace was also translated by Souhail Rahal, a Lebanon student attending Western Reserve University.

SOUHAIL RAHAL.

STATE OF OHIO,
Cuyahoga County:

Before me, a notary public in and for said county and State, personally appeared the named Souhail Rahal who acknowledged that he did translate the above letter to the best of his ability and that the same is of his own free act.

In testimony whereof, I have hereunto set my hand and official seal, at Parma, Ohio, this 16th day of February A. D. 1955.

[SEAL] JOHN CRISAFI,
Notary Public.

My commission expires June 7, 1956.

LAW OFFICES OF
TERRELL, WILLIAMS AND SALIM

CLEVELAND, OHIO, *February 25, 1955.*

Re Rachid F. Abdallah.

Hon. GEORGE H. BENDER,
United States Senator,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR BENDER: It has been my pleasure to know Mr. Rachid F. Abdallah from August of 1950 up to the present time, and during the course of that period, I have had occasion to observe him both at his work and in his social contacts.

It has been my personal observation of Mr. Abdallah, that he is an honest, conscientious, and trustworthy young man who, in my opinion, is an asset as a resident of the United States. He is working steadily and is, at the present time, contributing to the support of his infant daughter, 4½ years of age, as well as the support of his aged mother who resides in Lebanon.

I have observed him constantly since his entrance into this country and have particularly noted that he is becoming happily acclimated to the customs and usages of the American people. He is a faithful and loyal member of the congregation of St. George's Orthodox Church, and it is my understanding he contributes generously to that congregation.

It would be indeed a sad and regrettable matter, if Mr. Abdallah was forced to leave the United States to return to a country to which he is now alien, simply because of a childlike reliance upon the advice of friends in Lebanon who prevailed upon him to plead guilty to an offense to which he was not a party.

Your personal attention to the matter of retaining Mr. Abdallah as a member of the American community will be highly appreciated by me, as well as his many relations and friends in this area.

With every kind wish for your continued success and happiness, I am most,

Sincerely yours,

EDWARD N. SALIM.

THE GEORGE CONSTRUCTION CO.,
Parma, Ohio, February 24, 1955.

Hon. GEORGE H. BENDER,
United States Senator,
Senate Building, Washington, D. C.

DEAR SENATOR: Rachid Abdallah has been in our employ frequently during the past 4 years. He is a hard-working person, willing to better himself in our industry. He is very reliable, which makes him the type of person for our construction field.

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His record with us has been more than satisfactory, and we are willing to have him as our employee at any time. His association with his fellow workers has been very good and will be much better when he knows he will be able to remain in this country.

Your interest in this matter will be greatly appreciated.

Sincerely yours,

THE GEORGE CONSTRUCTION CO., INC.,
RUDY J. GEORGE, *Vice President.*

CITY OF PARMA, OHIO,
OFFICE OF THE COUNCIL,
Parma, Ohio, March 16, 1956.

Senator JAMES O. EASTLAND,
Chairman of Judiciary Committee in the Senate,
Senate Office Building, Washington, D. C.
(Attention: Subcommittee on Immigration, Mr. Drury Blair.)

DEAR SIR: This letter is to advise you of more information in reference to the case of Rachid Abdallah whose status in this country is being determined now by your committee.

On my recent visit to Washington, I discovered new evidence for your consideration and enclosed is more pertinent information which may aid you in delivering a favorable result for us. The following facts in our opinion will try to show that Mr. Abdallah did not have a marriage for convenience to enter this country.

When Rachid was in Cuba, Mary Morad and her mother visited there and met Rachid. It was Mary with her mother who entertained the thought of marriage. However, Rachid said he was not interested and could not afford to get married. Shortly afterward Mary flew to Cuba with her brother, George, and again the question of marriage was brought up with the promise of the Morad family giving financial help in a business venture when they arrived in Cleveland, Ohio. Rachid consented and married Mary Morad on January 12, 1950.

On October 10, 1950, Rachid and Mary Abdallah had an offspring named Theresa, a baby girl.

Then on June 12, 1951, Mary Abdullah filed for divorce from Rachid. The divorce was granted January 14, 1952, in the Court of Common Pleas, Cuyahoga County, Ohio, case No. 626692, with Rachid being required to pay for the care, maintenance, and support of their daughter. Rachid to this day has made every payment and is still paying $20 every 2 weeks.

Furthermore, I would like to add that Mary Abdallah was married to Ameen Kaim on May 1, 1954. During the period when Mary was divorced until she remarried, the baby girl was being kept in a boarding institution while Rachid kept paying $20 as ordered by the court.

In my opinion, rather than a marriage for convenience, Rachid has had his share of the inconveniences of married life. He went to work as a laborer with a pick and shovel and is still doing the same work. His conduct since his arrival has been beyond reproach as so indicated by the many people who took the time to write to you. If he is allowed

to remain in this country, which he has learned to love and appreciate so much, then we have done another good turn in our American way of life.

Respectfully yours,

MINOR H. GEORGE,
Councilman at Large.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1626) should be enacted.

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Calendar No. 2488

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2454

ARSENE KAVOUKDJIAN (ARSENE KAVOOKJIAN)

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3068]

The Committee on the Judiciary, to which was referred the bill (S. 3068) for the relief of Arsene Kavoukdjian (Arsene Kavookjian), having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Arsene Kavoukdjian (Arsene Kavookjian). The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 44-year-old native of Turkey and citizen of France who last entered the United States as a visitor at New York, N. Y., on April 30, 1950. He was married in November 1950 to a United States citizen, but was divorced in April 1953. He presently resides with his widowed mother, who is a lawful permanent resident of the United States. He claims she is wholly dependent on him for support. The mother is 64 years old and in poor health; his sister is a naturalized citizen of the United States. The beneficiary is an experienced worker in jewelry lines. He was granted suspension of deportation on the basis that his deportation would be a serious economic detriment to his mother, but Congress failed to approve.

A letter, with attached memorandum, dated May 11, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3068) for the relief of Arsene Kavoukdjian (Arsene Kavookjian), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Providence, R. I. office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota for the first year that such quota is available.

The beneficiary is chargeable to the quota for Turkey.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ARSENE KAVOUKDJIAN (ARSENE KAVOOKJIAN), BENEFICIARY OF S. 3068

Arsene Kavoukdjian, also known as Arsene Kavookjian, a native of Turkey, and a citizen of France through naturalization on February 28, 1947, was born in Istanbul on March 27, 1912. He married Zaro Simonian, a citizen of the United States, on November 15, 1950. His marriage was terminated by divorce obtained by his wife on April 23, 1953, in the Superior Court of Rhode Island at Providence. There were no children. He lives with his widowed mother, a lawful permanent resident alien, at 152 Gallup Street, Providence, R. I., who he claims is wholly dependent upon him for support. A sister, who is a naturalized United States citizen, also lives in Rhode Island.

The beneficiary graduated from high school in France. He is an experienced worker in jewelry lines, such as stone setting and enameler. Since April 1952 he has been self-employed at the Artcraft Enameling Co., Providence, R. I., which he owns. He claims to have cleared about $5,000 per year from his business. His assets consist of 5 rooms of furniture, the machinery used in conducting his business, and a bank account of $60. Since entering this country he has lived in Massachusetts and Rhode Island.

Mr. Kavoukdjian's only entry into the United States was at New York, N. Y., on April 30, 1950, at which time he was admitted as a visitor for pleasure. He was granted an extension of stay which expired on January 13, 1951. Deportation proceedings were instituted on February 9, 1951, on the ground that after admission as a visitor, he had remained in the United States longer than permitted. He was accorded a hearing at which time he applied for suspension of deportation on the basis that his deportation would be a serious

economic detriment to his mother. He was found eligible for this relief and the case was referred to Congress for approval. However, the 83d Congress failed to pass a concurrent resolution favoring suspension of deportation. He was ordered to leave the United States on or before March 16, 1956. A warrant for his deportation was issued on March 19, 1956.

The beneficiary claims to have served in the French Army from 1939 to 1945 as a private and that he was a prisoner of war in Germany from 1940 to 1945.

The beneficiary's mother and sister are the persons primarily interested in the bill.

Senator John O. Pastore, the author of the bill, has submitted the following information in connection with the case:

DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE, PROVIDENCE, R. I.

EXCEPTIONS TO FINDINGS, CONCLUSIONS, PROPOSED ORDER, AND DECISION OF HEARING OFFICER, IN RE ARSENE KAVOOKJIAN

Preliminary statement of case

In this proceeding, the issue narrows down to a determination of whether the alien's mother would suffer serious economic detriment if his petition for suspension of deportation were denied. Originally, his application was based upon the economic detriment his wife would suffer (exhibit 4). His wife (from whom he is now separated) prior to and during her marriage was employed and self-supporting (transcript, p. 9). It would appear that quite unintentionally the applicant was ill-advised in making his wife the sole basis for his application because the record eloquently bespeaks the great economic hardship that would befall the applicant's widowed mother. During the instant proceedings, the record was amended by permission of the hearing officer and the mother was substituted (transcript, p. 8). The hearing officer expressly found that on the entire record it was established that the alien "has been a person of good moral character" (transcript, p. 18). (See also, exhibits 7 to 10, inclusive.) The economic condition of the alien's mother will be discussed in detail in the general argument following.

Argument

The applicable provision of the particular law herein involved is contained in title 8, United States Code Annotated, section 155 (c).

"(c) In the case of any alien (other than one to whom subsection (d) is applicable) who is deportable under any law of the United States and who has proved good moral character for the preceding five years, the Attorney General may * * * (2) suspend deportation of such alien if not racially inadmissible or ineligible to naturalization in the United States if he finds that such deportation would result in serious economic detriment to a citizen or legally resident alien who is the spouse, parent, or minor child of such deportable alien."

An application for suspension of deportation should be considered on an equitable basis and this right resides with the alien throughout the deportation process (*Kavadias* v. *Cross*, 82 F. Supp. 716). The Attorney General's discretion must be exercised on the basis of the evidence adduced and cannot be exercised in an arbitrary or capricious manner (*U. S. ex rel* v. *Watkins*, 166 F. 2d. 369). (See also,

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N. L. R. B. v. *Minn. etc. Co.*, 179 F. 2d 323). In cases of administrative action there must be reliable, probative and substantial evidence supporting the ultimate finding; that is, such relevant evidence as a reasonable mind might accept as adequate to support a conclusion (*Isbrandtsen Co.* v. *U. S.*, 96 F. Supp. 883; *R. F. C.* v. *Lightsey*, 185 F. 2d. 167; *N. L. R. B.* v. *Salant & Salant*, 183 F. 2d. 462; *Universal Camera Corp.* v. *Labor Board*, 340 U. S. 474, 477; *Prince* v. *Comm. of I. & N.*, 185 F. 2d. 578). (See also, 5 U. S. C. A. 1009, and *de Koning* v. *Zimmerman*, 89 F. Supp. 891). The substantial evidence required under this section implies a quality of proof which induces conviction and which makes a definite impression on reason (*U. S. ex rel* v. *Watkins*, 73 F. Supp. 216 (reversed on other grounds 164 F. 2d. 457; *Yiakoumis* v. *Hall*, 177 F. 2d. 804; *Wong Yang Sung* v. *McGrath*, 70 S. Ct. 445).

In principle, the case at bar is similar to *McGrath* v. *Kristensen* (340 U. S. 162). In the latter case, the issue was whether the Attorney General was justified in refusing to suspend deportation of an alien (visitor) under title 8, United States Code Annotated, section 155 (c) on the sole ground that the alien was ineligible for naturalization. In the present case, the sole issue is whether the hearing officer (acting for the Attorney General) was justified in refusing to suspend deportation of the alien (visitor) under the same provisions of law, on the sole ground that his widowed mother would suffer no serious economic detriment.

The record in its entirety admits of no conclusion but that she would. It is significant that in this case we have no questions as to the credibility of the witnesses who testified, or as to the good character of the alien. The hearing officer was patient, considerate, and courteous. He was impressed by the evidence adduced and I believe it fair to state that he was entirely sympathetic with the plight of the alien. So far as it lay within his power to be properly helpful, he suggested the advisability of moving to reopen the case when the alien's sister became married. It is respectfully submitted, however, that he erred in his finding that "From the facts in this case, it does not appear that the respondent's deportation would result in a serious economic detriment to his mother" (transcript, p. 18).

The following testimony is uncontradicted, and is the only pertinent evidence bearing upon the mother's economic situation. (See testimony of alien, transcript, pp. 6–8, inclusive; and testimony of mother, transcript, pp. 12–16, inclusive.) Summarized this testimony discloses the following situation.

The alien's father, John Kavookjian, was a priest. He came to the United States with his wife on August 2, 1936. The Reverend Mr. Kavookjian was the priest at the Armenian Holy Cross Church in Lawrence, Mass., until his decease on October 6, 1948. (See exhibit 13.) The father had become a naturalized United States citizen on June 14, 1944 (transcript, p. 10). The mother has applied for citizenship and her application has been continued for hearing until she can better understand the English language (transcript, p. 12). To insure her realizing her ambition to become a citizen, she even went to school at her advanced age but had to give up school because of her ill health (transcript, p. 16).

In 1948, Nevart Kavookjian (the alien's mother) became widowed. Her sole estate from her husband was $5,000. This sum had to be used for living expenses and soon was reduced to $1,000. It became

necessary for her to seek work and the only type of work she could do was as a seamstress. She has worked, in all, about 1 year. Her health has been such that she has lost much time from her work. Finally, several months ago, upon positive doctor's orders, she had to give up her work entirely (exhibit 13). During the time she was working she was under the doctor's care, and is presently undergoing substantial medical treatments at a greater expense than she can afford. Indeed, there is an express finding by the hearing officer in his decision that the mother is unable to work (transcript, p. 18). The alien has been giving her $30 per week while she has been living with her daughter. Although her daughter has recently undertaken to go into business for herself, it is not successful and she will soon give it up for marriage. She expects to live with her husband and the mother has no one to turn to but her son (the alien here involved). The mother is 64 years of age and in poor health. She has difficulty with the English language. Even though she is presently living with her daughter, the two together cannot pay for rent and food necessary to live, without the aid of the alien (transcript, p. 14). Besides her two children she has no other close relative in the United States to whom she may turn for assistance of any type (transcript p. 16). It is more than mere speculation to fear for her very life if her son is now deported. It is extremely doubtful if she could survive such a shock.

Conclusion

It is respectfully submitted that the instant exceptions to the findings and decision of the hearing officer be sustained. Upon clear, undisputed and credible testimony and evidence it has been established that the alien is of good moral character, has no questionable associations, is a hard-working citizen of France whose only desire is the commendable desire to care for his widowed mother in this country which he desires proudly some day to call his own. The instant record also establishes that the mother is aged, in poor health, illiterate and dependent morally, financially and spiritually upon her son. Add to this the express finding by the hearing officer that the mother is unable to work, and the concluding result is inevitable. The deportation of the son would result in serious economic detriment to this mother.

Formal exceptions

Based upon the foregoing authorities, arguments and evidence, the alien hereby notes formally on the record his exceptions as follows:

As to findings of fact.—Exception is taken to the finding that the respondent's deportation would not result in serious economic detriment to his mother.

As to the proposed order.—Exception is taken to the order that the respondent be required to depart from the United States at such time as provided by the district directors.

Respectfully submitted.

ARSENE KAVOOKJIAN.
By ARAM A. ARABIAN,
His Attorney.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3068) should be enacted.

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Calendar No. 2489

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2455

ELDUR EHA

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3103]

The Committee on the Judiciary, to which was referred the bill (S. 3103) for the relief of Eldur Eha, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Eldur Eha. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 33-year-old native of Estonia who now claims to be stateless. He last entered the United States as a seaman at Norfolk, Va., on February 18, 1950. He had previously entered on four occasions as a seaman beginning in 1947. He was denied relief under section 4 of the Displaced Persons Act and also under section 6 of the Refugee Relief Act. The beneficiary resided in Estonia until 1943 and served in the German Army from 1941–43 when he deserted and fled to Finland. He joined the Finnish Army and was discharged in 1944. He left Finland because he feared forced repatriation to Estonia and went to Sweden where he resided until 1947. He is presently employed as a fisherman and resides at New Bedford, Mass. His deportation has been indefinitely stayed under section 243 (h) of the Immigration and Nationality Act.

A letter, with attached memorandum, dated July 7, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to

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S. 2957, which was a bill pending in the 83d Congress for the relief of the same alien, reads as follows:

JULY 7, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 2957) for the relief of Eldur Eha, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Estonia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELDUR EHA, BENEFICIARY OF S. 2957

Eldur Eha, also known as Hans Gutmann or Gudman, a subject of Estonia, was born in Ragavere, Estonia, on March 3, 1923. He last arrived in the United States at New York, N. Y., on February 18, 1950, as a member of the crew of the steamship *Sommen* and deserted the vessel a few weeks later at Norfolk, Va. Prior to last arrival, he entered this country on four occasions, also as a seaman, the first entry having occurred on September 3, 1947. On several of these occasions he violated his immigration status by remaining ashore beyond the period of time granted him or by engaging in employment but departed foreign before action could be taken by this Service.

On May 29, 1950, he was accorded a hearing on an application for adjustment of status as a Displaced Person and on June 6, 1951, an order was entered denying the application on the ground that he had failed to establish eligibility. He was thereafter allowed the privilege of voluntary departure but failed to depart. Deportation proceedings were subsequently instituted and he was found to be deportable on the ground that at time of entry he was not in possession of a valid immigration visa. He was again given the privilege of voluntary departure, to be effected on or before November 8, 1952, but again failed to avail himself of such privilege. Warrant for his deportation, issued on November 18, 1952, is outstanding. Proceedings on an application to adjust immigration status under the Refugee Relief Act of 1953, submitted November 13, 1953, is pending.

The beneficiary resided in Estonia until 1941, when he joined the German Army, serving from September 1941

until March 1943 when he deserted. After desertion he remained in Estonia until December 1943, when he entered Finland and joined the Finnish Army shortly thereafter. After discharge from the Finnish Army in September 1944, he remained in Finland for a few months and then proceeded to Sweden where he resided until 1947. His place of last foreign residence was Stockholm, Sweden. The beneficiary states that he has failed to depart from the United States because he has no country to go to, that he cannot return to Estonia for fear of persecution since Estonia is now Communist dominated and he has fought against the Russians in two armies. He states further that he would not want to go back to Finland or Sweden, should he be allowed entry into those countries, because people are in certain cases being sent to the Russian Government from those countries. The record shows that he has credibly established his opposition to communism on religious and political grounds and therefore has established reasonable grounds for fear of persecution if returned to Estonia. On the other hand the record shows that he has not established that he is prevented from returning to Finland because of persecution on racial, political, or religious grounds.

The beneficiary is unmarried and has no relatives in the United States. His mother, a brother, and a sister, whom he has not seen since 1943 or heard from since 1946, last resided to his knowledge in Torva, Estonia. He has had 6 years of elementary and 3 years of high-school education acquired in his place of birth. Since entry into the United States he has worked as a laborer and bus boy and, for the past 3 years, as a fisherman; his earnings as a fisherman for the year 1953 approximated $4,200. He has about $200 in savings, has a 1953 Oldsmobile purchased for $2,900 on which he has paid $2,000, and has an equity of $500 on the bond posted for his release from custody of this Service. No criminal record, adverse information, or information indicating disloyalty to the Government of the United States have been found.

A letter dated May 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with further reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: This refers to a report furnished by this Service to the committee on July 7, 1954, relative to Eldur Eha, beneficiary of private bill S. 2957, 83d Congress, who is now the beneficiary of private bill S. 3103, 84th Congress.

The following additional information has been received concerning this beneficiary:

The subject beneficiary's application to adjust status under section 6 of the Refugee Relief Act of 1953 was denied on June 28,

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1955, on the ground that at the time of his last entry he was not a bona fide nonimmigrant seaman. On February 28, 1956, he was granted an indefinite stay of deportation to Estonia as provided for under section 243 (h) of the Immigration and Nationality Act. The beneficiary's present assets consist of a savings account of $1,000 and an automobile valued at $1,000. Mr. Eha lives at 188 Cottage Street, New Bedford, Mass., and is employed as a fisherman at an annual income of $4,500 per year. He was arrested in New Bedford, Mass., on November 9, 1954, by the police of that city for the Fall River, Mass., Police Department on a charge of violation of the auto laws—speeding and refusing to stop for a police officer, and on his appearance in court was fined $15.

Sincerely,

J. M. SWING, *Commissioner.*

Senator John F. Kennedy, the author of the bill, has submitted the following information in connection with the case:

CONDENSED BIOGRAPHICAL INFORMATION RE ELDUR EHA, NEW BEDFORE, MASS.

Mr. Eha is a native and citizen of Estonia. He resided in his native country from the time of his birth, March 3, 1923, until September 1941, when he was forced to serve in the German Army which had occupied Estonia. He remained in Estonia until December 1943, when he fled to Finland. He was admitted to Finland by the authorities of that country and shortly thereafter joined the Finnish Army against the Russian armed forces. He served until September 1944, when he was discharged.

He left Finland when it became apparent that Finnish authorities were being compelled by the Soviet-dominated government to surrender Estonians to the Soviet authorities. To avoid this he fled to Sweden with the help of anti-Soviet Finnish authorities.

The Swedish authorities issued him an alien's passport showing that he was granted permission to remain in that country from October 18, 1944, to April 17, 1945; from April 18, 1945, to October 17, 1945; from October 18, 1945 to April 17, 1946, but his movements were restricted inasmuch as he was not allowed to enter the city of Stockholm or its suburbs. His alien's passport was revalidated on February 26, 1946, and these restrictions were removed until April 17, 1946, if he followed the occupation of a seaman. His alien's passport was revalidated for the periods from April 18, 1946, to April 17, 1947; and from April 18, 1947, to April 17, 1948; and there were no restrictions as to his movements as long as he followed the occupation of a seaman.

Mr. Eha has credibly established at a hearing before the United States Department of Justice, Immigration and Naturalization Service at New York, his opposition to communism on both religious and political grounds and it was found that he has reasonable grounds for fear of persecution within the meaning of section 4 of the Displaced Persons Act of 1948, if returned to Estonia.

He has submitted police certificates and affidavits as evidence that he is a person of good moral character and it was found that "there is no evidence that he is inadmissible to the United States under the immigration laws."

Mr. Eha last entered the United States at New York on February 26, 1950, on the steamship *Sommen* and was admitted under section 3 (5) of the Immigration Act of 1924; he was lawfully admitted to the United States prior to April 1, 1948, under section 3 (5) of the Immigration Act of 1924 at the port of New York on December 16, 1947, on the steamship *Florida*. At the time of his entry at New York on February 26, 1950, he was an immigrant not in possession of a valid immigration visa.

He has been gainfully employed in the United States as a fisherman, is industrious, resourceful, and has a respected reputation in the community where he now resides.

Supplementing the foregoing condensed biographical information, is the opinion of the examining officer:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
New York, N. Y.

Central Office Nos.
A-6786953
D. P. No. 3403

New York No. 0300-237191

OPINION OF THE EXAMINING OFFICER IN RE ELDUR EHA

I. SUMMARY OF THE EVIDENCE ADDUCED AT THE HEARING

The applicant is a native and citizen of Estonia (p. 5). His last entry into the United States was at New York on February 26, 1950, ex steamship *Sommen* as a seaman under section 3 (5) of the Immigration Act of 1924 (p. 7). The applicant has testified that at the time of his entry at New York on February 26, 1950, ex steamship *Sommen* it was his intention to remain in the United States for permanent residence (pp. 7 and 8). The applicant first arrived in the United States at Monroe, Mich., on September 3, 1947, ex steamship *Ragneborg* (p. 8). He continued his occupation as a seaman and last entered the United States prior to April 1, 1948, on the steamship *Florida* on December 16, 1947, at the port of New York, and was admitted as a seaman under section 3 (5) of the Immigration Act of 1924 (p. 9, exhibit No. 2).

The applicant resided in his native country from the time of birth until 1941, when he joined the German Army which had occupied Estonia. He served as a member of the German Army from September 1941, until March 1943, *when he deserted* (p. 14). He remained in Estonia until December 1943, and then proceeded to Finland (p. 14). The applicant has testified that he was admitted to Finland by the authorities of that country and that there was no specified time for which he was allowed to remain in Finland; that a few

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days after his arrival in Finland, he joined the Finnish Army with which he served from December 1943 until September 1944 (p. 15). He has testified that he does not remember whether he was required to take an oath of allegiance at the time he joined the Finnish Army (p. 5); that at the time he left Finland during September 1944, he was not required to do so by the Government of that country, but that he was assisted in leaving Finland because it was the belief that such Government would be forced to deliver him to the Russians, should he remain in Finland (p. 16). The applicant has testified that he was admitted to Sweden for permanent residence (p. 16). He later testified that it was his belief that he was admitted to Sweden for temporary residence only (p. 22). The applicant is in possession of an alien's passport issued by the Swedish authorities showing that he was granted permission to remain in that country from October 18, 1944, to April 17, 1945; from April 18, 1945, to October 17, 1945; from October 18, 1945, to April 17, 1946, but that his movements were restricted inasmuch as he was not allowed to enter the city of Stockholm or its suburbs. His alien's passport was revalidated on February 26, 1946, and these restrictions were removed until April 17, 1946, if he followed the occupation of a seaman. His alien's passport was revalidated for the periods April 18, 1946, to April 17, 1947; and from April 18, 1947, to April 17, 1948; and there were no restrictions as to his movements as long as he followed the occupation of a seaman. His passport also contains a visa permitting him to return to Sweden at any time prior to April 17, 1948. It is not believed that the applicant established a residence in Sweden, or was admitted to that country for permanent residence prior to February 26, 1946. However, it is believed that when his status was changed and he was allowed the privilege of following the occupation of a seaman without restrictions that he did establish a residence in Sweden. *He alleges displacement from Estonia because of fear of religious and political persecution by the present Communist government of Estonia* (pp. 20 and 21). He has not alleged displacement from Finland because of fear of racial, religious, or political persecution by the present Government of Finland (p. 21). He has not alleged displacement from Sweden because of fear of religious, racial or political persecution by the present Government of Sweden (pp. 23 and 24).

The present Government of Estonia is Communist-dominated as the result of events occasioned by, and occurring subsequent to, the outbreak of World War II on September 1, 1939 (matter of L ———, A-6897992, C. O., 10/10/49). The applicant has alleged that there is a possibility that he would be turned over to the Russians should he return to Finland, as half of the Finnish Government is ruled by the Communists (p. 21). It has been administratively determined that the holders of the major offices in the Finnish Government are under the supervision of the Democratic Political Party (matter of E ———, A-7142392, C. O.,

3/9/50). The applicant has credibly established his opposition to communism on both religious and political grounds (pp. 20 and 21), and, therefore, has reasonable grounds for fear of persecution within the meaning of section 4 of the Displaced Persons Act of 1948, if returned to Estonia. He has not reasonably established that he would be persecuted on account of his religious, racial, or political opinions by the present Governments of Finland or Sweden if returned to either of those countries.

The applicant has submitted police certificates and affidavits as evidence that he is a person of good moral character (p. 4, exhibits 5, 6, 7, and 10). There is no evidence that he is inadmissible to the United States under the immigration laws.

II. PROPOSED FINDINGS OF FACT

Upon the basis of all the evidence presented, *it is found:*

(1) That the applicant is an alien, a native and citizen of Estonia;

(2) That the applicant was displaced from Estonia and that he subsequently acquired residence in Finland, and then subsequently in Sweden;

(3) That the applicant last entered the United States at New York, February 26, 1950, ex steamship *Sommen* and was admitted under section 3 (5) of the Immigration Act of 1924; that the applicant was lawfully admitted to the United States prior to April 1, 1948, under section 3 (5) of the Immigration Act of 1924 at the port of New York on December 16, 1947, ex steamship *Florida;*

(4) That at the time of the applicant's entry at New York on February 26, 1950, ex steamship *Sommen* he was an immigrant not in possession of a valid immigration visa;

(5) That the applicant was displaced from Estonia as a result of events occasioned by, and occurring subsequent to, the outbreak of World War II on September 1, 1939;

(6) *That the applicant cannot return to Estonia because of persecution, or fear of persecution, on account of religion or political beliefs;*

(7) That the applicant, subsequent to his departure from Estonia, established residence in Finland and that he is not displaced from such country as a result of events occasioned by, and occurring subsequent to, World War II on September 1, 1939;

(8) That the applicant can return to Finland without fear of persecution because of his race, religion, or political opinions;

(9) That the applicant, subsequent to his departure from Estonia and Finland, established residence in Sweden, and that he is not displaced from such country as a result of events occasioned by, and occurring subsequent to, World War II on September 1, 1939;

(10) That the applicant can return to Sweden without fear of persecution because of his race, religion, or political opinions;

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(11) *That the applicant is presently admissible to the United States under immigration laws.*

III. PROPOSED CONCLUSIONS OF LAW

Upon the basis of the foregoing findings of fact, it is conconcluded:

(1) That the applicant is not eligible for adjustment of his immigration status as a displaced person residing in the United States within the meaning of section 4 of the Displaced Persons Act of 1948.

IV. PROPOSED DECISION

It is recommended that the application for adjustment of his immigration status under section 4 of the Displaced Persons Act of 1948 be denied.

CECIL P. JOINER,
Examining Officer.

JUNE 8, 1950.

[The italicized parts were supplied by the applicant.]

With respect to findings No. 8 and No. 10, Mr. Eha is certain that his safety in either Finland or Sweden would be in extreme jeopardy and that he would be in immediate danger of arrest and deportation to Russia as were many of his former comrades who served in the war against Russia; that the Governments of Finland and Sweden are infiltrated with Communists; that he is a marked man and in one way or another would be imprisoned or killed.

Since up to this time, the application for adjustment of immigration status under section 4 of the Displaced Persons Act of 1948 has been denied, and since the "applicant is presently admissible to the United States under Immigration Laws," it is respectfully submitted that special legislation to afford relief to this worthy applicant, Eldur Eha, be filed and favorably acted upon.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3103) should be enacted.

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Calendar No. 2490

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2456

KARL EIGIL ENGEDAL HANSEN AND HIS WIFE, ELSE VIOLA AGNETHE HANSEN, AND THEIR MINOR CHILD, JESSIE ENGEDAL HANSEN

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following .

REPORT

[To accompany S. 3127]

The Committee on the Judiciary, to which was referred the bill (S. 3127) for the relief of Karl Eigil Engedal Hansen and his wife, Else Viola Agnethe Hansen, and their minor child, Jessie Engedal Hansen, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Karl Eigil Engedal Hansen and his wife, Else Viola Agnethe Hansen, and their minor child, Jessie Engedal Hansen. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 33-year-old couple and their 10-year-old child, natives and citizens of Denmark, who first arrived in the United States on January 22, 1952, as visitors. Another child, who is 3 years old, is a citizen of the United States. The principal beneficiaries have an acrobatic troupe and, at the conclusion of their tour in the United States, they went to Canada, where they applied for permanent visas. After waiting for 2 years, the male beneficiary was denied a visa because of the part he had played in the forgery of a birth date in Denmark in 1951. At that time one of the members of the acrobatic troupe was too young to be permitted to work in the United States and, when the boy's father was so informed, the father

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altered the birth certificate, although the male beneficiary assumed the blame for the forgery.

A letter, with attached memorandum, dated April 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3127) for the relief of Karl Eigil Engedal Hansen and his wife, Else Viola Agnethe Hansen, and their minor child, Jessie Engedal Hansen, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Newark, N. J., office of this Service, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fees. It would also direct that the required numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota for Denmark.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KARL EIGIL ENGEDAL HANSEN AND HIS WIFE, ELSE VIOLA AGNETHE HANSEN, AND THEIR MINOR CHILD, JESSIE ENGEDAL HANSEN, BENEFICIARIES OF S. 3127

The beneficiaries are members of a single family. The adult beneficiaries are husband and wife. They were married on September 29, 1945, in Denmark. The minor beneficiary is their daughter. The adult beneficiaries have another daughter, Susie Engedal Hansen, who is a citizen of the United States. She was born on August 28, 1953, at Elmira, N. Y. The beneficiaries are natives and citizens of Denmark. They reside in East Rutherford, N. J.

The adult male beneficiary, Karl Eigil Engedal Hansen, was born on February 4, 1923, in Denmark. His father is deceased. His mother and two brothers reside in Denmark. He has one other brother, who is presently visiting him in East Rutherford, N. J. This beneficiary attended school for 8 years in his native country and is a skilled acrobat. He owns an acrobatic troupe which is known as the Tokayer Troupe. His income from such enterprise is $27,000 per year. He has an equity of $5,200 in his home in East Rutherford, N. J., which is valued at $7,000. He also owns 3 automobiles, valued at $4,300; 2 house trailers, valued at $1,000; and a trained monkey, valued at $1,000. This beneficiary was

last admitted to the United States at Noyes, Minn., on May 30, 1954, as a visitor for business. He was granted extensions of stay, the last of which will expire on April 26, 1956, upon the posting of a $500 bond to insure his departure upon the expiration of such extension of stay. However, he failed to maintain his visitor's status and deportation proceedings have been instituted against him. Such proceedings are now pending. It appears that this beneficiary may also be amenable to deportation proceedings on the additional charge that he was inadmissible at the time of his entry in that he had been convicted of the crime of forgery in Denmark in 1951.

The adult female beneficiary, Else Viola Agnethe Hansen, was born on April 7, 1923, in Denmark. Her parents, 3 brothers, and 3 sisters reside in Denmark. She attended elementary school in her native country for 8 years and is a professional acrobatic performer engaged with her husband in performances of the Tokayer Troupe. She has no separate income and is dependent upon her husband for support.

The minor beneficiary, Jessie Engedal Hansen, was born on August 2, 1945, in Denmark. She is presently attending grammar school in East Rutherford, N. J.

The adult female beneficiary and the minor beneficiary were admitted to the United States on February 13, 1956, at Derby Line, Vt., as visitors. They failed to maintain their visitors' status and deportation proceedings have been instituted against them. Such proceedings are now pending.

Senator Clifford P. Case, the author of the bill, has submitted numerous letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
Washington, D. C., April 25, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Subcommittee on Immigration,
Senate Committee on the Judiciary,
Washington, D. C.

DEAR MR. CHAIRMAN: In accordance with the telephone request of Miss Ashcraft, I am enclosing herewith supporting material in connection with my bill (S. 3127) for the relief of Karl Eigil Engedal Hansen and his wife, Else Viola Agnethe Hansen, and their minor child, Jessie Engedal Hansen.

While touring the United States and Canada, Mr. Hansen and his family applied to the American consul at Montreal, Canada, for immigration visas for permanent residence in the United States. Mr. Hansen was declared ineligible for a visa under section 212 (a) (9) of Public Law 414, because of a conviction for forgery in 1951 in Copenhagen, Denmark. When discussing his problem with my office and the State Department, Mr. Hansen stated that he actually did not commit forgery in changing the date of birth of the young man that joined his entertainment troupe, but that it was actually done by the boy's father. However, he said that he accepted the blame since he had discussed in general terms with the father the question of whether or not the date could be altered to permit the boy to come to the United States with the troupe.

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While he was in the Visa Office of the State Department on June 10, 1955, Mr. Hansen signed a statement which is attached, herewith, declaring his innocence of the crime. Mr. Hansen also obtained a statement from the father of the boy, Mr. Ewald Marinus Toft Sorensen, which is included in the supporting papers. As is evident from the supporting material, Mr. Sorensen took full blame for the occurrence.

Although it appears that Mr. Hansen is innocent of the offense, I am informed that he would have to take the elderly Mr. Sorensen to a Danish court and obtain a confession before the court before he could obtain a visa under the immigration laws. The State Department determined that there is no administrative relief available to Mr. Hansen.

I feel there is considerable merit in this case, and I have included Mr. Hansen's wife and foreign-born child in my bill to avoid separation of this family, particularly in view of the fact that they have one American-born child.

I will appreciate your bringing my bill (S. 3127) before the committee for consideration during the present session of the Congress.

Sincerely,

CLIFFORD P. CASE,
United States Senator.

TOKAYER TROUPE,
East Rutherford, N. J., June 30, 1955.

Hon. CLIFFORD P. CASE,
United States Senate,
Washington, D. C.

(Attention: Miss Bristor.)

DEAR SIR: Your letter of June 21 is received. Thank you.

In the meanwhile I received the statement from the father and, as soon as I can find someone to translate it, I will forward it to you.

As suggested in your letter I will try to write the entire story as it happened.

The Tokayer Troupe was started about 6 years ago by me. At that time I did not have any experience in the way of handling a troupe. Later, as I gained experience, offers from all over the world started to come in to me. We worked in several countries before we got the offer from the United States. This was to me at that time the climax of my career. Friends and family were happy with me about my progress.

It was then I decided to take another boy with me in my act, to make it really something. I put an ad in a newspaper about 3 months before I was going to the United States, and I got several answers. I went to see some of them and stopped by Benny Toft Sørensen, for reason which I described in my letter of June 5 from New York to the American consul of Montreal.

When I realized that the boy was not old enough to work in the United States (I thought so), his father and I discussed briefly the question of making him a year older, as an artist and painter. The father made the alteration in his own home, as he was very nervous about it. I told the police it was I who had done it. When taking the blame at first, I thought they could not punish me with more

than a fine since this was not done with the purpose of stealing anything but, as my case progressed, I realized more and more that it was far more serious.

The rest of the story is well known. This is the fact as it actually happened, as close as I can remember it.

Yours sincerely,

E. ENGEDAL HANSEN.

Sworn to and subscribed before me this 30th day of June 1955.

DOROTHY M. KNAPPINS,
Notary Public, State of New Jersey.

My commission expires February 8, 1960.

[Translation from the Danish Language]

DECLARATION

COPENHAGEN, *June 18, 1955.*

This declaration is for the use of the American authorities in connection with Mr. Eigil Engedal Hansen's visa matter, and this declaration has validity for this use only.

I, Ewald Toft Sorensen, do hereby want to make a confession concerning the following:

During the month of November 1951 my son, Benny Toft Sorensen, born on November 28, 1935, in Hvidorver, received an offer through the newspaper of traveling to America with the Danish artist troupe, Tokayers.

The leader of this troupe, Mr. Eigil Engedal Hansen, employed my son, but when he learned that his age was 1 year under what is necessary to obtain working permit in the United States, we meant that he could not go along; therefore we discussed the possibility of making my son a year older by correcting his baptismal certificate.

After too little reflection, this was done in my home by myself, and not by Mr. Hansen, who assumed the blame in court and let me go free. I am very grateful for what Mr. Hansen thus did for me, and it makes me happy if I am now able to help him.

I, Ewald Toft Sorensen, born on January 15, 1913, in Nykobing, Mors, do therefore declare on faith that this declaration is correct.

(Signed) EWALD MARINUS TOFT SORENSEN.

Witnessed by and sworn to before—
Identity witness:
(Signed) KAY DYHR,
Attorney at Law,
Vimmelskaftet 47.

(Not. Cons. J. No. 5126/55.)

NEW YORK, *June 5, 1955.*

CONSUL OF UNITED STATES OF AMERICA,
Montreal, Canada:

DEAR MR. GRANADA: I know that United States can choose their immigrant and that you only want the best people to stay in United

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States. This is the reason I am writing this, as I do not think that I am a person with a bad moral.

That mistake I did in Denmark was done for a sentimental reason, and not with a gaining purpose. The boy in question put up a sad look when I told him that I could not take him with me to United States of America, because of his age. I felt sorry for him, as he told me that he was just fired from his previous work as a jockey. Reason: He hit his trainer with a spade from behind because he has been so cruel to him. I had in my mind that he could not be permitted to the United States if he was not old enough (this, I find out too late, was wrong). His mother and father were separated. The boy was living with his father only. Altogether gave me the impression that the boy did not make a life as a boy should that was about the time when I did my mistake. I did not have the intention to break the law. I did not think of this as any crime. I guess it was because I felt that I was giving him a break for the future. Not until it was too late I realized that it was not just as simple as that, but there was no way back now to regret. I was shocked when the police came asking me questions as if I were a common thief. Please do not get me wrong; I am not trying to say that this is nothing. It had such effect on me that I got my eyes open. I could see what I was unable to before. In the time before my case came on to court I suffered from fear for the result. I always felt that I was an honest man, so when the police ask me, I told them everything as it was done. This might struck them leading to the conclusion that I did not have any honest moral. I felt so bad about it, so I was unable to say enough to defend myself. I did try, but could not concentrate. My sentence, 40 days in jail if anything like it should happen next 2 year. Nothing did happen and will never, but consequence from my trial is: Possibility for losing what I had been looking for all my life; a place where I feel at home, a place of freedom, a place where a man with ambition can go far, a place where a man know is the best in the world for his wife and children (I was in many different countries so I know), also a place where I can give those boys working for me, with me, an opportunity greater and bigger than anywhere else. All this and more is the consequence of one mistake done about 4 years ago. Believe me, if I am given another chance, there will be no regret ever for that person who is to make the final decision. I will do everything possible to remain the rest of my life as a citizen of United States, and as a man of whose morals and ethics there would be no doubt. Please understand how much your decision means to me and my family, my work and my future.

GAC-HAMID, INC.,
New York, N. Y., January 10, 1956.

Re Tokayer Troupe.

To Whom It May Concern:

The above gentleman, Karl Eigil Engedal Hanson, whose professional name is as above, is the leader of a famous acrobatic troupe.

I imported the act from Denmark 4 years ago, and they have worked for me consistently since, arriving in this country. His business dealings with me have been on the up and up. He is reliable, decent, and a fine family man. In fact one of his children was born here.

My office and I regard him very highly, and I sincerely believe he will make a very good citizen.

Sincerely,

GAC-HAMID, INC.,
DAVE SOLTI.

To Whom It May Concern:

I, Albert Christian Sahlstrom, care of George A. Hamid & Son, 10 Rockefeller Plaza, New York 20, N. Y., knew Mr. Engedal Hansen at least for 12 years. I met him first in a rehearsal studio in Copenhagen, Denmark. He was then starting in show business. At that time I learned him a few tricks, and later he joined my cousin in an acrobatic act. They worked together for several years. During that time my cousin was very satisfied with Mr. Hansen. Later, when Mr. Hansen got his own act, my father, who was the booker of the most well-known show places in Europe, was one of the first to use Mr. Hansen's act, and did so until he went to the United States. When I myself came to this country 2 years ago, Mr. Hansen met me at the pier and since then our friendship has been greatly improved. I like to point out that I not easy associate with everybody without knowing their interest and moral behavior. With this as a background I think I am a good judge of Mr. Hansen's person. I think he is a good father and husband, ambitious and honest in business, always helpful to friends, and even people he does not know too well. He is not interested in gambling, is faithful to his wife, and he never drinks or smokes. He never, to my knowledge, refused any charity show for crippled children or veterans. I am proud to be one of his close friends, and if there is anything I can do to help him, I will not hesitate to do so.

This is a statement of my own opinion about Mr. Eigil Engedal Hansen.

Sincerely yours,

ALBERT SAHLSTROM.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3127) should be enacted.

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Calendar No. 2491

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2457

MAY PING LEE

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3155]

The Committee on the Judiciary, to which was referred the bill (S. 3155) for the relief of May Ping Lee, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to May Ping Lee. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 39-year-old native of Hong Kong and a British subject of the Chinese race who last entered the United States at New York on October 24, 1951, as a visitor. Her application for adjustment of status under section 6 of the Refugee Relief Act was denied, but her husband's application was approved and his name is included in House Concurrent Resolution 228. It is stated that her husband was a former municipal official in China and escaped when the Communists took over.

A letter, with attached memorandum, dated May 17, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., May 17, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3155) for the relief of May Ping Lee, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y. office of this Service, which has custody of those files.

The bill would grant the beneficiary the status of a permanent resident of the United States upon payment of the required visa fee. It would also direct that one number be deducted from the approriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MAY PING LEE, BENEFICIARY OF S. 3155

The beneficiary was born on March 10, 1917, in Hong Kong, British Crown Colony, and is a British subject. She married Ying Lee, a citizen of China, on February 22, 1946, in Canton, China. They have no children. She and her husband reside at 510 West 110th Street, New York, N. Y.

The beneficiary is a housewife. Her husband is self-employed as a grocer. The family assets consist of a net worth of $6,800 in the business, and $2,800 in furniture and clothing. The alien stated that her parents, 2 sisters and 3 brothers live in Hong Kong. She also has a brother, admitted to the United States as a student, attending the University of Chicago.

The alien arrived in the United States at New York, N. Y., on October 24, 1951, as a visitor for pleasure. She received extensions of stay, the last of which expired on April 16, 1954. The beneficiary's application for adjustment of immigration status under section 6 of the Refugee Relief Act of 1953 was denied. A warrant of arrest in deportation proceedings was issued on June 10, 1955, on the ground that after admission as a nonimmigrant she failed to comply with the conditions of such status. She was found deportable on the charge contained in the warrant of arrest and was granted permission to depart voluntarily, with the alternative of deportation if she fails to depart.

The beneficiary's husband, Ying Lee, was born September 13, 1911, in Toishan, Kwangtung, China. He was admitted to the United States at San Francisco, Calif., on March 19, 1950, as a visitor. On March 28, 1952, his status was

changed to that of a student. His application for adjustment of his immigration status under section 6 of the Refugee Relief Act of 1953 has received favorable action by this Servive and has been referred to the Congress as required by law.

Senator Herbert H. Lehman, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

NOVEMBER 12, 1955.

To Whom It May Concern:

This is to certify that I have known Mrs. May Ping Lee since October 1951, the first day when she arrived in this country. As I am a good friend of Mrs. Lee's husband, Mr. Ying Lee, I met them both 3 or 4 times monthly during their stay in New York City.

To the best of my knowledge, I know that Mrs. May Ping Lee was educated at Lingnan University, Kwangtung, China, and is a responsible person. She also has good reputation among her friends.

I am an engineer working for Bechtel Associates, 5 West 45th Street, New York City. I reside at 625 West 156th Street, New York 32, N. Y.

Mrs. May Ping Lee and Mr. Ying Lee reside at 510 West 110th Street, New York 25, N. Y. She is a housewife, and is supported by Mr. Ying Lee who runs a small grocery store at 1012 Amsterdam Avenue, New York, N. Y. She has never been arrested by the police and has no prison record. I am convinced that Mrs. May Ping Lee is a person of high moral character, and I know of no reason why she should not be permitted to remain in the United States.

YUT WEE WONG,
625 West 156th Street, New York 32, N. Y., Tel. No. WA 6-4904.

MARYKNOLL, N. Y., *November 16, 1955.*

To Whom It May Concern:

This is to certify that I have personally known Mrs. May Ping Lee since May 1938. At that time, her husband, Mr. Ying Lee, was the magistrate (mayor) of Toi Shan, Kwangtung Province, China. Concurrently I was stationed at the Catholic Mission, Toi Shan, Kwangtung Province, China.

As the "first lady of Toi Shan" Mrs. Lee frequently called on the Maryknoll Sisters in charge of the Catholic Hospital in Toi Shan. We Americans were especially grateful when Mr. Lee as magistrate donated several sacks of rice, and Mrs. Lee assisted the Maryknoll Sisters in serving a large group of "victims of aggression" on Christmas Day 1948. From then until the summer of 1949, I frequently visited Mr. and Mrs. Lee socially. During that period, I learned to know something of Mr. and Mrs. Lee's "philosophy of life."

Fortunately, Mr. and Mrs. Lee escaped to Hong Kong just prior to our being "liberated" by the Communists in November 1949. As soon as they took over the civil government of Toi Shan, the Reds proclaimed Mr. and Mrs. Ying Lee as "public enemies of the People's (that is, Communists) Government." From November 1949 until June 1952, the "Kung On Kuk" (i. e., security police) periodically questioned our two Maryknoll Sisters and myself on why Mr. and Mrs. Ying Lee were so "fantastically" opposed to communism.

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When I returned to the United States in the autumn of 1952, I was happy again to meet Mr. and Mrs. Ying Lee in Manhattan.

Too, for the past 3 years I have continued to cultivate their friendship. From time to time, I have called on Mr. Lee at his grocery at 1012 Amsterdam Avenue, New York City. Likewise, Mr. and Mrs. Lee have graciously entertained me at their home at 510 West 110th Street in New York City.

Both Mr. Ying Lee and his wife, Mrs. May Ping Lee, were educated at the American Presbyterian University of Lingnam in Canton, Kwantung, China. From my personal observation I would judge both Mr. Ying Lee and his wife, Mrs. May Ping Lee, as persons of great moral integrity and potentially "solid citizens" of the United States.

All this has been written on behalf of an application for Mrs. May Ping Lee for permission to remain in the United States with her husband as a permanent resident.

Because the record seems to require such a statement, I may also make the observation that I have known Mrs. May Ping Lee for the past 7 years and that I have never heard of her being arrested by the police, nor to have had a prison record in China, Hong Kong, or the United States.

For your further information and guidance, I the undersigned, Father John J. Toomey, was a Maryknoll Missioner in China from 1922 to 1952. Although my home is in New Bedford, Mass., my legal residence is here at Maryknoll Seminary, Maryknoll, N. Y.

Very truly yours,

Rev. JOHN J. TOOMEY, M. M.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3155) should be enacted.

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Calendar No. 2492

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2458

REDENTOR LIGOT ROMERO

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3179]

The Committee on the Judiciary, to which was referred the bill (S. 3179) for the relief of Redentor Ligot Romero, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof, the following:

That, notwithstanding any other provision of the Immigration and Nationality Act, Redentor Ligot Romero shall be held to be classifiable as a nonimmigrant student under section 101 (a) (15) (F) of the Act and permitted to remain in the United States for a period of not more than two years, or until such time as he obtains his Master's Degree in Music, whichever occurs sooner.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to preserve for Redentor Ligot Romero the status of a nonimmigrant student in the United States under section 101 (a) (15) (F) of the Immigration and Nationality Act.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native and citizen of the Philippines who last entered the United States at Honolulu, T. H., August 1, 1952, as a visitor. His apparent intention was to study music and he has made an affidavit that he wishes to remain in the United States to obtain his master's degree in music and then return to the Philippines. His father, a major in the United States Army, was killed in World War II.

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A letter, with attached memorandum, dated May 15, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington 25, D. C., May 15, 1956.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3179) for the relief of Redentor Ligot Romero, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for the Philippines.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE REDENTOR LIGOT ROMERO, BENEFICIARY OF S. 3179

Redentor Ligot Romero, a native and citizen of the Philippines, was born on August 25, 1929. He is single and lives at 1581 Dolores Street in San Francisco, Calif.

Mr. Romero is attending Mills College in Oakland, Calif., where he is carried as a probationary graduate student at large, as he cannot now qualify there as a candidate for a master's degree. He was graduated from the University of the Philippines in 1950 with a teacher of music degree, and from the San Francisco Conservatory of Music in 1955 with a bachelor of music degree. He also attended San Francisco State College during 1953 and 1954, where he took courses in music only. Mr. Romero played in the symphony orchestra at each of the latter schools in the United States. He has also been a member of the San Francisco Civic Symphony Orchestra.

The beneficiary, who is not employed, is a concert violinist and composer. He was previously employed as conductor for the Guam Symphony Orchestra. He was also a salesman for the Cutco Division of the Wearever Co. for a brief period in 1954. He has no income and is supported by friends and acquaintances. His tuition at Mills College is being paid anonymously. He had $1,100 when he arrived in the United States and later received $400 from the Guam Symphony Association for his services as the conductor of their orchestra, and $900 from relatives in the Philippines. In addition, he

earned $360 by selling cutlery and kitchen utensils, during the spring of 1954. His assets consist of an automobile worth $150 and a violin valued at a minimum of $300. His parents are deceased. His 2 brothers and 2 sisters live in the Philippines. A second cousin resides in the United States.

Mr. Romero last arrived in the United States at Honolulu, T. H., August 1, 1952, by Pan American Airways plane, and was admitted as a visitor. He was granted extensions of stay to November 30, 1953. His application for change of status to that of a student was denied on November 15, 1954. A subsequent motion for reconsideration and for an order authorizing change of classification to that of a student was denied on February 23, 1955.

Deportation proceedings were instituted against the beneficiary on April 7, 1955, on the ground that after admission to the United States as a visitor, he failed to comply with the conditions of such status. A special inquiry officer in an order dated September 23, 1955, granted him the privilege of voluntary departure with the alternative of deportation should he fail to avail himself of that privilege. His appeal to the Board of Immigration Appeals was dismissed on January 27, 1956.

Senator Richard L. Neuberger and Senator Wayne Morse, coauthors of the bill, have submitted numerous letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
February 21, 1956.

Hon. HARLEY M. KILGORE,
Chairman, Senate Judiciary Committee,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: On February 10 I introduced S. 3179 to grant permanent residence in the United States for Redentor Ligot Romero.

This highly talented 25-year-old Filipino, the son of a United States Army major who was killed in defense of the Philippines, was admitted with a visitor's visa on August 1, 1952. This visa was extended to November 13, 1953, and no further extension beyond that date has been granted. Mr. Romero has applied for a change of status to that of student but this has been denied, and he was ordered to leave the United States on February 1, 1955. He appealed to the Board of Immigration Appeals, and that appeal was denied on January 27 and he was ordered deported on March 5, 1956.

I believe the news article in the San Francisco Chronicle for January 12, 1955, which I placed in the Congressional Record at the time I introduced my bill, tells the story of Redentor Romero. This young man has sought musical training, at his own expense, in the United States, and because of alleged technical violations of the immigration laws, he has been ordered deported. As a result of my bill, this young man registered last week at Mills College and is able to continue his education.

Mr. Romero has great musical talent, a talent which has not been questioned, and he can play a leading role in strengthening democracy

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in the Far East. Instead of encouraging Mr. Romero in his quest for knowledge, he has been continuously threatened with deportation. While our Government spends thousands of dollars to bring talented people to our country to study, the Justice Department has done everything possible to hinder this young man, whose family was killed during World War II in defense of the Philippines.

I understand the only alleged violation of our immigration laws which have been charged against Mr. Romero is that he attempted to support himself in this country so that he could continue his education. This young man gave a concert at the Marines' Memorial Theater in San Francisco, played the violin at several church services, and accepted a small remuneration; he also sold kitchen utensils.

I am enclosing a copy of the report I received recently from the Immigration and Naturalization Service on this case, together with a letter from Mr. John Campbell Bruce, of the San Francisco Chronicle, and a copy of my remarks from the Congressional Record at the time I introduced my bill. I have also enclosed a very moving letter from Mr. Romero, as well as letters from Mr. Arlin W. Hargreaves, attorney at law, who has handled this case on a no-fee basis.

I hope this material will provide you and the members of your committee with sufficient information and, if additional details are needed, I trust you will not hesitate to call upon me. I believe there would be a serious miscarriage of justice if Mr. Romero is forced to leave the United States through deportation, before he has completed his musical education.

Sincerely,

RICHARD L. NEUBERGER.

UNITED STATES SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
June 8, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee
United States Senate, Washington, D. C.

DEAR SENATOR EASTLAND: I am submitting for your information and that of the Senate Judiciary Committee, an affidavit and other material prepared by Redentor Ligot Romero, on whose behalf I introduced S. 3179 on February 10, 1956. This bill is now pending before the Senate Immigration Subcommittee.

The equities in this case seem outstanding. Mr. Romero's father, a prominent Manila lawyer and partner of the late Philippine President Quirino, served in the United States Army as a major and was killed during the liberation of the Philippines, and his two brothers enlisted and served in the United States Army.

Redentor Romero desires to complete his musical education in the United States and return to his native Philippines. His musical talents are beyond question, and I call your attention to the enclosed letter from Josepha Heifetz. Mr. Romero has received wide acclaim for his music abilities both in this country and throughout the Far East, and in June 1955 graduated from the San Francisco Conservatory of Music with a degree of bachelor of music. He is now enrolled at Mills College, Oakland, Calif., and plans to complete work on his master's degree in music within the next 2 years.

Mr. Romero is doing at his own expense what our Government is is spending large sums to do in educating talented persons from foreign countries. Mr. Romero has attempted to adjust his status from visitor to that of a student, shortly after arriving in this country, and this was denied by the Immigration Service. He was ordered deported last March, and the last avenue of appeal was closed. At that time I introduced S. 3179. I hope that your committee can give favorable consideration to this bill.

Sincerely,

RICHARD L. NEUBERGER,
United States Senator.

AFFIDAVIT

To the HONORABLE CHAIRMAN, UNITED STATES JUDICIARY COMMITTEE:

In re Redentor Ligot Romero, subject of Senate bill, S. 3179.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Redentor Ligot Romero, being first duly sworn, deposes and says:

That I have been advised to make this affidavit for the purpose of presenting for your consideration a summary of facts relevant to the above-numbered bill which is presently pending before your committee:

That I was born on August 25, 1929, in Manila, Philippine Islands. My father was an attorney at law and was a law partner of Senators Jose Zulueta, Quintin Paredes and Elpido Quirino. The latter was formerly President of the Philippine Islands. When hostilities broke out against the Japanese, my father was commissioned as an officer in the United States Army. During the occupation, he was a leader in guerrilla warfare and because of his activities, we were forced to move many times. When the American forces reoccupied Manila, my father was killed by Japanese gunfire. At that time, he held the rank of major in the United States Army. My mother is also deceased and the family property was destroyed during the war. I have two brothers who enlisted and served in the United States Army during the war. Unfortunately, I was too young to served in the Armed Forces during World War II. I am, however, very proud of the fact that my father and my brothers had an opportunity to serve such a worthy cause.

My education was interrupted during the war years. Prior to the war, I had completed the first 8 grades of school in 6 years of attendance. After the war I had attended high school and after 1946, I attended both Manila High School and the University of the Philippines at the same time. In April of 1950 I graduated from the University of the Philippines with a diploma in music.

I commenced studying the violin at the age of 7½ years under the late Ernesto Vallejo, concertmaster of the Manila Symphony Orchestra. I continued my studies under Mr. Vallejo until the invasion of my country by the Japanese. After the war I studied violin for 7 years under Mr. Ramon Tapales who is director of the Conservatory of Music of the Philippine Islands. In 1942 for approximately 1 year I studied elements of music under Mr. Antonio Molina, director of Centro Escolar University Conservatory of Music, Manila, Philippine Islands. After I arrived in the United States I studied

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violin for approximately 4 months under Henri Temiankay, first violinist of the Paganini String Quartet. During 1954 for approximately 6 months I studied violin under Mr. Alfred Keller, former assistant concertmaster of the New York Philharmonic Orchestra. In addition to the private instruction that I have had on the violin, while in the United States, I have attended San Francisco State College from September of 1953 until June of 1954. I specialized in orchestration, composition, and chamber music there. I then transferred to the San Francisco Conservatory of Music where my principal courses were orchestration, chamber music, and violin studies under the direction of Mr. Sydney Griller. In June of 1955, I graduated from the San Francisco Conservatory of Music and received a degree of bachelor of music. I enrolled at Mills College in Oakland, Calif., in September of 1955 and I am now taking my final examinations for the school year there. I am concentrating on courses in composition of music at Mills College and I hope to study under the great composer, Darius Milhand, next year. I am quite certain that I will be able to complete my studies at Mills and obtain my masters degree in music within the next 2 years. Since 1946 I have been making public appearances both in group and in solo work. After the American forces reoccupied Manila, I entertained them by giving on the average of 20 concerts a month. I also assisted the American Red Cross in their charity work by giving concerts. In 1948, I traveled with the Manila Symphony Orchestra on a tour which included Guam, Hong Kong, China, Japan, and the Hawaiian Islands. It has been my privilege to serve as assistant concertmaster for the Honolulu Symphony Orchestra, conductor of the Guam Symphony Orchestra, assistant concertmaster of the San Francisco State College Symphony Orchestra, assistant concertmaster of the San Francisco Conservatory of Music and concertmaster of the San Francisco Civic Symphony Orchestra, and concertmaster of the Berkeley Symphony Orchestra. I am attaching a number of copies of newspaper clippings, programs, pictures, and letters which will, I believe, provide more information to your committee than any statements that I could make.

After 2 years in Guam conducting the Guam Symphony Orchestra, I decided to come to the United States in order to further my musical education. For a long time I had dreamed of coming to the United States because I have always admired western composers and western musical tradition. I applied for my visa at the immigration office in Guam where I stated that it was my desire to come to the United States and study music. I was issued a visitor's visa for business and advised to proceed under that visa to the United States where my status would be adjusted to that of a student after my arrival. After I enrolled at San Francisco State College, I went down to the immigration office at San Francisco, Calif., and requested a change of status to student. I was told that consideration would be given to my request but that no action could be taken at that time. Later I received a letter from the Immigration Service dated November 30, 1954, informing me that my application for a change of status to student had been denied. I am not acquainted with the laws on this subject and I am not sure that I fully understand the reasons for denial. It appears that the main reason for denial is the fact that during the month of March 1953, I gave a recital at the San Francisco Marine

Memorial Theater. I received no money from the ticket sales for this recital although I did receive a few dollars which were voluntarily donated for my performance. In addition to this recital, I appeared at various churches as a soloist. No charge for my performance was made on these occasions. However, small gifts were made from time to time by various members of the congregations to show their appreciation for my performances. I also sold cutlery to a few members of the audience after my church recitals. My sole reason for doing this was to make a little money to purchase the necessities of life. At this time I was actually going hungry on many days. I did not realize the seriousness of my actions. I still cannot understand why these actions are so important.

My education in the United States has been the greatest experience of my life and I sincerely believe that I have acquired a much deeper understanding and appreciation of western music than I had before my arrival here. I think that I have also acquired a much greater skill and technique on the violin than I had. I have had an opportunity to study a great deal of theory and I have gained stature as a composer in my opinion. There are no teachers in the Philippines who compare in quality with the teachers under whom I have studied in this country. The facilities in the United States are also vastly superior to the facilities in the Philippines. Much more attention is paid to serious music in this country and, as a result, the general climate for music is very good here. My greatest desire is to be allowed to remain in the United States so that I may complete my musical education. At the present time I am learning so much that is new and exciting that it would be very difficult for me to abruptly discontinue my education. I hope someday that I will be able to return to the Philippine Islands and show all of the people there the benefits of my education in the United States. I have the greatest confidence that, if I am allowed to complete my education, I will be a credit to all of my teachers and the musical institutions that I have attended in the United States. For these reasons, I respectfully request that favorable consideration be given to the legislation that has been introduced in the Senate in my behalf by Senator Neuberger and Senator Morse.

REDENTOR LIGOT ROMERO.

Subscribed and sworn to before me this 1st day of June 1956.

WILLIAM S. SOLARI, Jr.,
Notary Public.

My commission expires September 30, 1956.

SAN FRANCISCO 10, CALIF., *February 6, 1956.*

DEAR SENATOR NEUBERGER: I have already heard of your sincere efforts supporting my cause to study further in the United States; and such a gesture coming from a man of statute like you has only upheld a belief of mine—that small men regardless of where they come from aren't often overlooked especially in matters where they have something to air. I have often asked myself since you entered the picture, how I could ever express fully to you the gratitude that I have from within. Please allow me now through the always unsatisfactory medium of a letter, to discharge it. It is by no means an

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adequate expression I know; but I do not know when I may have the opportunity of seeing you personally, or perhaps humbly dedicate a musical composition; and so, I hope that a letter will suffice for the time being.

You may wonder perhaps as others have why I still persist in remaining in this country despite the obstacles that usually confront one who comes from a foreign soil, especially when he's not properly equipped financially to guarantee successfully the materialization of the things he strives for while here. Completely disregarding the fact and reason that I'm a musician who believes in the universality of man's deeds and sharing whatever he can to promote better understanding among varied cultures; love of my country and the service I can give it someday has always been my primary reason and support. Perhaps this isn't deep enough a reason as the Immigration Service's string of denials to grant me further stay has made it evident. But because I believe that you are in your present job because of love of country, I know that you'll be able to fathom better the various meanings of such a reason. Of course, I haven't overlooked the fact that the men in the Service must carry out their duties as dictated by the law, and so, one can't point a finger of accusation at their ability to love their country.

I'm in this country not only to study further and equip myself technically; but also to absorb through observational experiences the many outstanding ways by which music as an education, a science, a business, and a form of entertainment is being imparted to the masses. It is one of my ambitions that small towns and even cities in the Philippines who haven't heard of Beethoven, will finally hear for the first time someday, a symphony orchestra playing works inspired by their country's folk songs—thus leading them to have a better approach in appreciating the universal music of many great foreign composers. The recent success of Gershwin's opera Porgy and Bess in Russia has only intensified my desire to study harder, for something that even a dozen diplomats can't sell has been sold. In other words, Gershwin's contribution and service to America by means of exploiting its folk songs and using them in his works, has always inspired me to do something about my country's folk songs too. Yet, in spite of his genius, he had to do a lot of studying to gain the technique—for in music, it is imperative that one should have a thorough understanding and grasp of the scientific procedures that's necessary in the creation of even a simple tune.

I'm no genius nor do I ever forsee paralleling Gershwin's contribution to his country, but through hard study and hard work—I believe that I'll be able to impart at least something to my own someday.

If in the eyes of the immigration I've erred and violated the law, I think it's only because that I've tried to support myself economically and scholastically. Since I can't do anything now because of my present situation, I can only pray and hope that through your capacity and sincere efforts—I'll soon cease being a burden to you and some friends who have been helping me, and start repaying and showing them my gratitude instead. Though they know how helpless I am at present, I still can't help but have the feeling somehow that I've gone beyond the limits of their friendliness—and that's why I roll in my sleep sometimes.

Please know that I'm deeply greateful and completely astonished that a big man like you can find time for a small man like me. God bless you and may your efforts be crowned with success always.

Very respectfully yours,

REDENTOR ROMERO.

FALLON & HARGREAVES,
San Francisco, Calif., January 23, 1956.

Re Redentor L. Romero.

Hon. RICHARD L. NEUBERGER,
United States Senator,
Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D. C.

DEAR SIR: Your letter of January 3, 1956, has been referred to our office in order that we might advise you as to the present status of Mr. Romero.

There has apparently been some misunderstanding as to the information concerning Mr. Romero. As mentioned in your letter, his visa was extended to November 1953, however, prior to the expiration, the application for change of status was filed which was also an application to extend his temporary stay in the United States. The application for some reason was not acted upon for almost a year and finally in November 1954, he was refused change of status.

Even though Mr. Romero has been found to have violated his visitor's status (which finding is not necessary), there is still power in the Board of Immigration Appeals to terminate proceedings and restore Mr. Romero to visitor status, after which a new application could be filed for adjustment to that of a student.

Rather than go into the background, I am enclosing a copy of the brief in this case which was forwarded to the Board of Immigration Appeals.

Because our office is serving without charge, as we feel this is a worthy case, we were not in a position to obtain Washington counsel to appear before the Board. Therefore, request was made to the Philippine Embassy for assistance. Their cooperation was obtained and a representative from the Philippine Embassy appeared before the Board of Immigration Appeals and presented oral argument.

The case of Mr. Romero has been widely publicized in Guam and in the Philippines. His treatment by the Immigration Service has caused a great deal of adverse publicity to the United States.

Your interest in Mr. Romero is appreciated and should the Board of Immigration Appeals dismiss our appeal, Mr. Romero will be in need of a private bill, if nothing else to delay his stay in the United States in order for him to receive his master's degree.

Your cooperation and interest in this case is appreciated.

Very truly yours,

A. W. HARGREAVES.

SAN FRANCISCO CHRONICLE,
February 8, 1956.

DEAR SENATOR NEUBERGER: I learned today from our Federal beat man that Redentor Romero, Filipino musician, has lost his last

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administrative appeal and been given 30 days to get out of the country or be deported. Checking with his attorney, Arlin Hargreaves, I learned also that you were interested in the case, and so I'd like to offer my two bits' worth.

The Romero case, I believe, is exceptionally meritorious. Romero is a violinist, composer, and conductor. Sidney Griller, head of the famed Griller Quartet in residence at the University of California, tells me he is an outstanding musician, unusually talented.

After his graduation from the University of the Philippines, young Romero went to Guam, where he organized and conducted a symphony orchestra for several years. He decided he wanted to come on to America, to absorb the techniques of western music and take them back to his people, but he had not applied to any United States school. An immigration official there told him to come on anyway, on a visitor's visa, and then get it adjusted to that of a student.

He came to San Francisco and enrolled at San Francisco State, before applying for an adjustment of status. I guess that is held against him. Worse, he gave a recital at the Marines Memorial Theater, which Immigration says robbed an American musician of a job. (I don't know why or how, as the theater is available to anyone who wants to give a recital.) Worse, he played his violin at several church services and accepted a small remuneration, thereby robbing American musicians of employment (says Immigration).

This may sound rather ridiculous, and of course it is—except that deportation is pretty serious to the one being deported. When I wrote a feature story on him a year ago—when he was on the point of being kicked out of the United States for these crimes against our own musicians—Hargreaves took his case, without a fee, and has been able so far to hold off our stern protectors of the American way of life. But the situation looks grave now.

It would seem to me that Romero's slips (he lives completely immersed in his beautiful world of music; believe me; I've had him at the house and had to turn off the phonograph, just so he would eat) could be forgiven, in view of the fact that it is a Government policy to encourage the very thing that Romero is doing—a pursuit of study in this country. In fact, we defray the expenses of foreign students, yet Romero is doing it on his own. (Indeed, we had two State Department exchange teachers at our place for Christmas.)

It seems a strange paradox that the State Department pays all the bills for some foreign students (and I think it's a wonderful program), while the Justice Department goes out of its way, at great expense, to hound this talented young student, who seeks nothing more than musical knowledge, at his own expense.

But that isn't the most outrageous part of it. Romero comes from an eminent Manila family, which lost everything in the Second World War, including his parents. His father, Ramon Romero, was a onetime law partner of Elpidio Quirino, who later became President of the Philippines. His father was killed during World War II—while serving as a major in the United States Army. His mother also lost her life to the Japanese. The family received nothing—nor did they ask for anything—for their war losses, including their father's Army pay. The father survived the Battle of Bataan, was killed later in the hills.

This, then, is the way we reward the son of a heroic American Army officer.

I needn't tell you what a story it will make for the Manila papers—and other papers in the Philippines—if the son of such a prominent family is kicked out of the United States, because he gave a violin recital in technical violation of the McCarran-Walter Act. Kicked out of a country where he sought only to learn more about Bach and Beethoven. Can you imagine the journalistic uproar that will create—and the anti-American feeling? But we might be able to counteract that feeling by pouring millions of dollars into the Philippines. Just how absurd can we get?

I hope you can do something to stop this nonsense and let this young man pursue his studies, presently at Mills College. By the way, have you read my book on our immigration policy, The Golden Door? If not, I'll be glad to send you a copy.

With all best wishes.

Sincerely,

JOHN CAMPBELL BRUCE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3179), as amended, should be enacted.

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Calendar No. 2493

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2459

DR. CHENG-EN LU

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3182]

The Committee on the Judiciary, to which was referred the bill (S. 3182) for the relief of Dr. Cheng-en Lu, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Cheng-en Lu. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 37-year-old native of Hong Kong of the Chinese race who last entered the United States on August 31, 1949, as a visitor. He married a native and citizen of China in Madison, Wis., on June 30, 1951, and they have three United States citizen children. He is presently a resident physician at the University of Minnesota Hospital and is highly recommended by his employers and associates. The beneficiary's wife has applied for an adjustment of status under section 6 of the Refugee Relief Act.

A letter, with attached memorandum, dated May 16, 1956 to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 16, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3182) for the relief of Dr. Cheng-en Lu, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DR. CHENG-EN LU, BENEFICIARY OF S. 3182

The beneficiary, Dr. Cheng-en Lu, also known as Sam Lu and Sing Yan Luk, a native of Hong Kong of the Chinese race, was born on May 20, 1919. He claims to be a citizen of Great Britain because of his birth in Hong Kong. He married Wan-Ging Chang Lu, a native and citizen of China, in Madison, Wis., on June 30, 1951. Her application for adjustment of status to a permanent resident under the provisions of the Refugee Relief Act of 1953, as amended, is pending. Their three children are citizens of the United States. The family group resides at 114 University Village, Como and Twenty-eighth Avenue, Minneapolis, Minn.

The beneficiary is employed as a resident physician by the University of Minnesota Hospital. He received a medi cal degree from the West China Union University, Chengtu, China, and is now working for a Master of Science degree at the University of Minnesota, Minneapolis, Minn. His fellowship at the University pays him $2,800 a year and he has $1,000 in savings. His other personal property is valued at $550. His father resides in Macao. Two brothers reside in Hong Kong and two reside in China. Another brother recently entered the United States as a student.

The beneficiary entered the United States as a visitor on August 31, 1949. He was granted a change of status to that of a student on February 17, 1953. Extensions of stay were authorized to October 28, 1956. Deportation proceedings are being instituted on the ground that he has failed to maintain his nonimmigrant status.

The beneficiary served in the Chinese Army at Kunming, China, from 1944 to 1945. He registered under the Universal Military Training and Service Act with local board No. 28, Minneapolis, Minn., on April 21, 1954.

Senator Hubert H. Humphrey, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
Washington, D. C., February 25, 1956.

Re S. 3182, Lu, Dr. Cheng-en.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: In connection with S. 3182, the bill which I have introduced in behalf of Dr. Cheng-en Lu, I wish to bring the following information to the attention of the Senate Committee on the Judiciary:

Dr. Lu was born in Hong Kong in 1919, received his elementary schooling in that city, and his junior and senior high school training in Canton, China. He did his premedical work and graduated from West China Union Medical School, which at that time was sponsored and operated by several Protestant missionary groups. He interned for 1 year at Canton Central Hospital.

During World War II, Dr. Lu served as interpreting officer for the United States Army with the rank of second lieutenant in the Chinese Infantry Camp, Kunming, China, 1944–45.

Since his entrance into the United States he is the recipient of an M. D. degree from the University of New York, has held a residence in general surgery at Asbury Methodist Hospital, Minneapolis, Minn., a medical fellowship in otolaryngology at the University of Minnesota, and is at present working toward his master's degree in otolaryngology.

Dr. Lu was married in this country to Wan-Ging Chang, who is also a physician, specializing in pediatrics. Mrs. Lu, who was born in Canton, China, graduated from the Medical School of West China Union University and holds an M. D. degree as well from the University of New York.

Dr. and Mrs. Lu are the parents of three American-born children since their marriage in June 1951. Mrs. Lu's application to adjust her immigration status under section 6 of the Refugee Relief Act has been accepted and, I am advised, favorably recommended to Congress for further action. Dr. Cheng-en Lu is unable, by virtue of his Hong Kong birth, to obtain relief under this section. Nor is he entitled to relief under the provisions of section 244 (a) (1) of the Immigration and Nationality Act because the continuity of his residence in the United States was broken by a visit to Canada during the month of October 1955.

In order to prevent the separation of this fine family, and the loss to the United States of a person of Dr. Lu's experience, training, and qualifications in the medical field, it is my earnest hope the committee and the Congress will act to confer the status of permanent residence upon Dr. Lu.

Sincerely yours,

HUBERT H. HUMPHREY.

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FEBRUARY 21, 1955.

Hon. HUBERT H. HUMPHREY,
United States Senate, Washington, D. C.

DEAR SENATOR HUMPHREY: Reference is made to your letter of February 15, 1955, regarding Dr. Cheng-en Lu and his wife, Wan-Ging (Chang) Lu, who, you state, applied for adjustment of status to permanent resident under section 6 of the Refugee Relief Act of 1953.

For your information, Dr. Cheng-en Lu has not to date applied to this office for such adjustment. It is noted that he is a British subject by birth in Hong Kong, which was also his last place of foreign residence. It is questionable, therefore, that he would be eligible for adjustment under section 6 of the Refugee Relief Act. He is, however, at liberty to file a formal application on form I-233 for such adjustment with this office in order to have his eligibility for adjustment formally adjudicated. At the present time he is in lawful status as a nonimmigrant student at the University of Minnesota, and his temporary stay as such expires on December 16, 1955.

Mrs. Lu's adjustment application is presently pending at this office and is still in the initial processing stage, which will be completed as soon as we receive the required report from another Government agency which we requested last September. After such report is received, she will be accorded a formal hearing at this office on her adjustment application.

Very truly yours,

J. D. PERFETTO,
Acting Officer in Charge.

PERSONAL DATA RE LU, CHENG-EN, M. D., 114 UNIVERSITY VILLAGE, 28TH AND COMO AVENUE SE., MINNEAPOLIS, MINN.

Sex: Male.
Date of birth: May 20, 1919.
Birthplace: Hong Kong.
Nationality: British subject, Chinese.

Entered United States at San Francisco, Calif., August 31, 1949, with a temporary visitor's visa. Status later changed to student visa in 1952 upon acceptance to the Graduate School of Medicine, University of Minnesota. Student visa expires June 1955, on completion of the 3-year residency in otolaryngology.

Education

China:

1. Junior high school: Holy Trinity Middle School (Episcopalian missionary school), Canton, Kwang-tung, China, 1934–36.

2. Senior high school: Height College (Methodist missionary school), Canton, Kwangtung, China, 1936–39.

3. College: Medical School of West China Union University, Chentu, Szechuan, China.

(*a*) Premedical work: 2 years.

(*b*) Medical school: 4 years.

(*c*) Internship: 1 year, Canton Central Hospital, Canton, China.

M. D. degree granted by the board of regents of the University of the State of New York, June 1949.

United States:

1. Rotating internship: Asbury Methodist Hospital, Minneapolis, Minn., 1949–50.
2. Residency in general surgery: Asbury Methodist Hospital, Minneapolis, Minn., 1950–52.
3. Medical fellowship in otolaryngology: University of Minnesota, Minneapolis, Minn., 1952–55.

Certificate of registration on medical sciences of Minnesota granted after examination January 1954.

Military experience

Served as interpreting officer for the United States Army, with the rank of second lieutenant in the Chinese Infantry Camp, Kuming, China, 1944–45. Granted honorable discharge at end of war.

Selective service registration: Classification: 1–A (M); S. S. No. M2128195–III.

Family history

Married to Wan-Ging Chang (Chinese) June 30, 1951, at Grace Episcopalian Church, Madison, Wis. Father John Keene officiated.

Children: Judith Lu, daughter, born April 4, 1952, Minneapolis, Minn.; Joseph Lu, son, born May 10, 1954, Minneapolis, Minn.

Father: Luke, King-fai, M. D.[1] (see note bottom of page re spelling of family name). Age: 65. Dean of Kwang-tung Medical College from 1920 to 1925. This school later became the Medical College of Sun Yet San University, Canton, China. Now engaged in private practice in Macao, Kwang-tung, China. My father was born in Canton, Kwang-tung, China, and received his degree of bachelor of medicine at the Medical College of Tien-tsien, China. Religion: Christian (Protestant). Present address: 47 Rua do Campo, Macao, China.

Siblings:

1. Dorothy Luke, clerical worker, Hong Kong.
2. Kenneth Luke, employed by Sincere Co., Hong Kong.
3. King Shue Luke (Mrs. William Wing Kwong), physician, Grace Hospital, Winnipeg, Canada. She will soon return to Hong Kong. Hong Kong address: Room 416, American International Building, 12 Queen's Road Center, Hong Kong.
4. King Wai Luke (Mrs. K. Y. Kien), schoolteacher, Heep Yan Middle School, Kowloon, Hong Kong.
5. King Yee Luke (Mrs. Benjamin Lee), schoolteacher, Heep Yan Middle School, Kowloon, Hong Kong.
6. Shing Tak Luke, student, Hong Kong.
7. King Han Luke, student, Hong Kong.
8. King Hang Luke, student, Ginling College, Nanking, China.
9. Shing an Luke, student, Peking Union Medical College, Peking, China.

Religion: Christian (Episcopalian).

References

Dr. Lawrence R. Boies, director, Department of Otolaryngology, University of Minnesota, Minneapolis, Minn.

[1] Luke is Cantonese spelling of family name. Lu is Mandarin spelling of family name.

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Dr. Robert Priest, associate professor, Department of Otolaryngology, University of Minnesota, Minneapolis, Minn.

Dr. Ernest Anderson, Asbury Methodist Hospital, Minneapolis, Minn.

Dr. Roscoe Webb, Asbury Methodist Hospital, Minneapolis, Minn.

Dr. Thomas A. Peppard, Asbury Methodist Hospital, Minneapolis, Minn.

Dr. Charles A. Arnold, 2480 Lake Street, Lincoln, Nebr.

Mr. and Mrs. John I. Huseby, 176 University Village, 28th and Como Avenue SE., Minneapolis, Minn.

PERSONAL DATA RE CHANG, WAN-GING, (MRS. WAN-GING LU), 114 UNIVERSITY VILLAGE, 28TH AND COMO AVENUE SE., MINNEAPOLIS, MINN.

Sex: Female, aged 34.

Date of birth: January 11, 1920.

Birthplace: Canton, China.

Nationality: Chinese.

Entered United States at San Francisco, Calif., July 6, 1950, with student visa.

Education

China:

1. Junior high school: Kwang-tung Province Middle School for Girls, Canton, China, 1933–35.
2. Senior high school: Kwang-tung Province High School for Girls, Canton, China, 1935–38.
3. College: Medical School of West China Union University, Chentu, Szechwan, China, 1941–48.
   (*a*) Premedical work; 2 years, 1941–43.
   (*b*) Medical school: 4 years, 1943–47.
   (*c*) Internship: 1 year, 1947–48.
   (*d*) Resident in pediatrics: 1948–49.

M. D. degree granted by the board of regents of the University of the State of New York, June 1948.

Medical training in the United States:

1. Rotating internship: Methodist Hospital and Jackson Clinic, Madison, Wis., 1950–51.
2. Residency in obstetrics: Maternity Hospital, Minneapolis, Minn., July 1951–March 1952.
3. Residency in general surgery: Asbury Hospital, Minneapolis, Minn., April 1953–December 1953.

Family history

Married Cheng-en Lu, June 30, 1951, at Grace Episcopalian Church, Madison, Wis. Father John Keene officiated.

Children: Judith Lu, daughter, born April 4, 1952, Minneapolis, Minn.; Joseph Lu, son, born May 10, 1954, Minneapolis, Minn.

Father: Chang, Hsiang-pu, deceased.

Siblings:

1. Siu-Hgah Chang, schoolteacher, Hwa-Nan College, Canton, China.
2. Yee-Man Chang, schoolteacher, Canton, China.
3. Shiek-Hgah Chang, housewife, Canton, China.

4. San-Hgah Chang, housewife, Canton, China.
5. Fung-Hgah Chang, schoolteacher, Canton, China.

Religion: Christian (Protestant).

References

Dr. Charles A. Arnold, 2480 Lake Street, Lincoln, Nebr.
Dr. Arnold Jackson, Jackson Clinic, Madison, Wis.
Dr. Ann Arnold, 1623 Medical Arts Building, Minneapolis, Minn.
Mr. and Mrs. John I. Huseby, 176 University Village, 28th and Como Avenue SE., Minneapolis, Minn.

(Enclosed form No. 9–529–Chgo, December 7, 1953, U. S. Department of Justice, Immigration and Naturalization Service.)

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176 University Village,
28th and Como Avenue SE.,
Minneapolis, Minn., March 11, 1956.

To Whom It May Concern:

I have known Dr. Cheng-en Lu for the past 4½ years, during which time he has become one of my closest friends. My respect for Dr. Lu, for his attitude toward his profession, toward his neighbors and friends, and toward his family, is boundless. I believe and know him to be a man of integrity—that he is a man with the highest ideals, and what is even more rare, a man who lives by those beliefs and ideals. He has worked exceptionally hard in the years I have known him, years that have been difficult for him, yet I have never seen him when he was not courteous and patient and good. He has a fine family; his wife is an exceptional woman in her own right.

Dr. Lu would be an asset to our Nation and to any community in which he lived. He would serve our people well. He is dedicated toward his profession and its ideals; he is an upright, moral man who has pride in his work yet has retained humbleness of spirit. He has a deep-seated hatred of communism and an equally great love of freedom and the democratic way of life.

I firmly and most sincerely believe that our country can ill afford to lose a man of Dr. Lu's caliber and ability.

John I. Huseby.

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Calendar No. 2494

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2460

STEPHEN KUANG-TAO HSU

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3188]

The Committee on the Judiciary, to which was referred the bill (S. 3188) for the relief of Stephen Kuang-Tao Hsu, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Stephen Kuang-Tao Hsu. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 31-year-old native and citizen of China who entered the United States at San Francisco, Calif., on October 6, 1948, as a student. He subsequently made a technical entry at Detroit in June 1953, while traveling in transit from Buffalo, N. Y., through Canada. The beneficiary is single, his parents are deceased and he contributes to the support of his stepmother and her two children who are all legal residents of the United States. He is an engineer by profession and has been employed in private industry in this country since 1952. His application for adjustment of status under section 6 of the Refugee Relief Act has been denied.

A letter, with attached memorandum, dated May 11, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3188) for the relief of Stephen Kuang-Tao Hsu, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE STEPHEN KUANG-TAO HSU, BENEFICIARY OF S. 3188

The beneficiary, Stephen Kuang-Tao Hsu, a native and citizen of China, was born on June 28, 1925. He is unmarried and resides at 167 East Grand Avenue, Highland Park, Mich.

Mr. Hsu is an engineer by profession and is employed in that capacity by the Crawford Door Co., 20263 Hoover Road, Detroit, Mich. He has been awarded the degrees of bachelor of science and master of science in the field of engineering. He receives a salary of $500 a month. His assets consist of $500 in a savings account and personal effects valued at $1,000.

The beneficiary's parents are deceased. His two sisters, one of whom is a citizen of the United States, are married and reside in the United States. Mr. Hsu's stepmother and her two children, all legal residents of the United States, reside in Keuke Park, N. Y. He contributes $40 a month to their support.

The beneficiary first entered the United States as a student on October 6, 1948, at San Francisco, Calif. Extensions of stay were authorized to June 23, 1952. He has been employed in private industry in this country since 1952. Mr. Hsu last entered the United States at Detroit, Mich., about June 13, 1953, after traveling in transit through Canada from Buffalo, N. Y. His application for adjustment of status to that of a permanent resident under the provisions of section 6 of the Refugee Relief Act of 1953 was denied on March 17, 1955, on the ground that, at the time of his last entry, he was not a bona fide nonimmigrant.

Deportation proceedings were instituted on September 23, 1955, and he was found to be subject to deportation on the

ground that, at the time of his last entry, he was an immigrant not in possession of a valid immigrant visa. Voluntary departure in lieu of deportation has been authorized.

Mr. Hsu has had no military service in any country. He has not registered under the Universal Military Training and Service Act.

Senator Pat McNamara, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
February 15, 1956.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: I wish to bring to your special attention S. 3188, which I introduced on February 14 in behalf of Stephen Kuang-tao Hsu. Mr. Hsu has been advised by the Immigration Service that he must depart on or before March 12, 1956, and we should appreciate it if, in view of the introduction of the bill, you could ask the Immigration Service to stay proceedings.

Attached are a number of reports and letters in this case, including one from the Immigration and Naturalization Service dated January 31, 1956.

In summary, the attached reports show that Mr. Hsu entered the United States in 1948 with his family. His father, stepmother, stepsister, and stepbrother were admitted for permanent residence. Mr. Hsu came on a student visa. Mr. Hsu's father, now dead, came on an appointment to teach physics at Cornell University. Mr. Hsu has two sisters in the United States in addition to those family members mentioned above; one sister's status has been adjusted under the Displaced Persons Act, and the other is in process of having her status adjusted under the Refugee Relief Act.

Mr. Hsu's student visa expired in May of 1952, and he secured permission to remain in this country after that date. On completion of his schooling as an engineer, he went to work for the Crawford Door Co., and is still employed by that concern. Mr. Hsu contributes to the support of his stepmother and his stepbrother and stepsister.

Mr. Hsu's request for change of status through administrative channels has had to be denied on what appear to be technical grounds. On several occasions Mr. Hsu traveled between New York and Detroit via the New York Central Railroad, a nonstop train which passes through Canada on its route. Prior to using this train Mr. Hsu had asked the Immigration Service whether travel by this route would affect his status, and was informed that it would not. However, it appears that this was probably during the time he was still a student, prior to May of 1952, while he had a valid student visa. But Mr. Hsu was not aware that there were any limitations, and as his extension of stay beyond the visa date had been granted through official, legal channels, he was not aware that there was any significant difference in the situation. Nonetheless, the Immigration Service has held that because the student visa had expired, he was not in possession of a valid visa and was not in legal status on the date of his last trip, June 13, 1953.

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Mr. Hsu was born in Canton, China, and has stated that he does not wish to go to a Communist country and that he would be in physical danger if returned there. The status of many students who were left in Mr. Hsu's plight has been adjusted under various administrative procedures. Mr. Hsu, through a misunderstanding and after having made an effort to ascertain the facts, is ineligible for such relief. His family is in the United States for permanent residence. He is helping to support his stepmother and the younger members of the family, and he wishes to remain here also, for permanent residence and citizenship.

We hope that the view of the committee will coincide with ours—that this man is as deserving of permanent residence as were others in his position; and that because administrative relief is ruled out through a technicality which he believed he had made every effort to avoid, and because it would cause him undue hardship to be separated from his family, redress through private legislation will be granted.

Sincerely,

PAT. MCNAMARA,
United States Senator.

DETROIT, MICH., *July 19, 1955.*

Senator PATRICK MCNAMARA,
Senate Office Building, Washington, D. C.

DEAR SENATOR: It is my understanding that Mr. James H. Cook, assistant business manager and financial secretary, Boilermakers Local No. 169, has written you asking that Stephen Kaung-Tao Hsu be granted permanent residence in the United States.

We would like to also add our request, if this is at all possible, because we have known Mr. Hsu for the 3 years that he has been employed as an engineer in this company and regard him of the highest moral character and technical ability.

He is of a very religious nature and spends a good deal of his time, outside of work, in such activities.

We value, not only his services, but his acquaintance. He is exactly the sort of person we believe deserves any action required to help him stay in this country.

Yours very truly,

CRAWFORD DOOR CO.,
D. C. CRAWFORD,
Vice President.

DETROIT, *July 28, 1955.*

Re Stephen Hsu.

Hon. PATRICK V. MCNAMARA,
United States Senator, Washington, D. C.

DEAR SENATOR MCNAMARA: We are advised that you are presently in receipt of a request for the introduction of a private bill to enable Mr. Hsu, a Chinese national, to take up permanent residence in the United States. As attorneys for his employer, we desire to acquaint you with the background of his problem.

Mr. Hsu came to the United States as a student from China under the provisions of section 4 (a) of the Immigration Act of 1924, as amended. At the conclusion of his student training, he was allowed to remain in the United States, although his student status had terminated on May 22, 1952.

Section 6 of the Refugee Relief Act of 1953 established a procedure by which persons in the United States in a status comparable to that of Mr. Hsu could make application for permanent residence, to be filed with and processed by the Attorney General. Mr. Hsu made such an application. An inquiry officer of the Immigration and Naturalization Service orally examined Mr. Hsu. During the course of this interview it was developed that Mr. Hsu had made a trip from Rochester, N. Y., to Detroit in August of 1953, over the line of the New York Central Railroad, which passes through Canada in part. On the basis of this information, the application for adjustment of status was denied, on the ground that Mr. Hsu had illegally entered the United States in August of 1953, and that he was therefore not qualified under the provision of the Refugee Relief Act that required a showing that, prior to July 1, 1953, he "lawfully entered the United States as a bona fide nonimmigrant."

After a careful examination of the facts and of the statutory definitions and cases dealing with the subject of entry into the United States, we came to two conclusions: (1) that so far as the cases held, the decision of the inquiry officer was correct; and (2) that there was no satisfactory legal method of raising the question, since it is highly doubtful that the Attorney General's actions under section 6 of the Refugee Relief Act are judicially reviewable.

Mr. Hsu has advised us that, prior to his making any trip through Canada, he inquired at the Detroit office of the Immigration and Naturalization Service, and was advised that there was no problem connected with use of that particular route to or from New York. He made a bona fide effort to determine from the Immigration and Naturalization Service whether there were any adverse consequences attached to this selection of a route between two points, both lying in the United States, and was incorrectly advised of the legal effect of his action.

Under these circumstances, the benefits of the Refugee Relief Act of 1953 are being denied to Mr. Hsu on an extremely technical ground, having no relation to the equity and justice inherent in the situation. He is now being threatened with deportation proceedings. The penalty exacted by reason of his innocent journey through Canada is obviously a very severe one.

We assume that Mr. Hsu's qualifications and personal character will be adequately endorsed by other persons, but felt that the full background of his situation was essential to an evaluation of his position. The Immigration and Naturalization Service has stated that it will move to deport him, but will delay such action if a private bill is introduced on his behalf. We therefore urge your action, if possible, before adjournment of the present session.

Very truly yours,

HENRY L. WOOLFENDEN.

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INTERNATIONAL BROTHERHOOD OF BOILERMAKERS,
IRON SHIP BUILDERS, BLACKSMITHS, FORGERS AND HELPERS,
SUBORDINATE LODGE NO. 169,
Detroit, Mich., July 13, 1955.

Re Stephen Kuang-Tao Hsu, Highland Park, Mich.

Hon. PATRICK MCNAMARA,
United States Senator, Washington, D. C.

DEAR PAT: You would be doing me a personal favor if you could introduce private legislation to enable Mr. Hsu to obtain a permanent residence in the United States.

Mr. Hsu was notified by letter from the Detroit office of the Immigration and Naturalization Service on July 6, 1955, that his application to section 6 of the Refugee Relief Act had been denied. He was advised that he would be expected to depart from the United States on or before August 10, 1955. Mr. Hsu is a refugee from the China mainland, and return or deportation thereto would jeopardize life, limb, and liberty.

Mr. Hsu was ineligible for change of status under the Refugee Relief Act because of a technicality. He did not know that proceeding by train from one part of the United States to another part, via Canada (Detroit to Buffalo) constituted an entry and departure, even though the train was nonstop. Therefore, since he last entered the United States under such a circumstance on July 13, 1953, his application had to be denied. He was not at that time in lawful student status, but by order of the Department of Justice of May 22, 1952, had been granted permission to remain in this country until otherwise ordered by the Department of Justice.

Mr. Hsu was born June 28, 1925, in Canton, China. He obtained a degree in aeronautical engineering in this country, and is presently employed as a mechanical engineer by the Crawford Door Co. at 20263 Hoover Road, Detroit.

Mr. Hsu is contributing to the support of his widowed stepmother, half-sister and half-brother, who reside in Keuka Park, N. Y.

These family members were admitted for permanent residence, since his father, now deceased, came to the United States in 1948 for permanent residence to teach physics at Cornell University. At the time of his death, the senior Mr. Hsu was the head of the physics department at Hampton Institute, Hampton, Va.

Mr. Hsu also has two other sisters in the United States: Mrs. Elizabeth Lee of Ann Arbor, Mich., who obtained change of status under the Displaced Persons Act; and Mrs. Grace Tao of Cleveland, Ohio, whose change of status under the Refugee Relief Act is now before the Congress.

Mr. Hsu is very well known to Dr. Evan D. Welsh, pastor of Ward Memorial Presbyterian Church, and many other prominent citizens of Detroit. He is a leader among the Chinese Christians in Detroit, and is helping to organize a Chinese Church here. He, himself, is a Baptist, and attends the Highland Park Baptist Church. My wife, who is a member of Ward Memorial Presbyterian Church, and does some work with the Chinese people, is acquainted with him, and has recommended him to me very highly.

Under the Immigration and Nationality Act of 1952, there are several administrative procedures for granting suspension of deporta-

tion. Mr. Hsu, I understand, is not eligible for any of these measures. However, since he would be physically persecuted if forced to return to the China mainland, he expects to apply to the Attorney General to withhold deportation under section 243 (H).

It would be very much appreciated if this private legislation could be introduced before Congress adjourns. Thank you for your consideration of this matter.

Yours very truly,

JAMES H. COOK,
Assistant Business Manager and Financial Secretary.

CORNELL UNIVERSITY,
DEPARTMENT OF PHYSICS,
Ithaca, N. Y., April 7, 1956.

Re Senate bill No. 3188; Stephen Hsu, of Detroit, Mich.

Hon. PATRICK MCNAMARA,
United States Senate, Washington, D. C.

DEAR SENATOR MCNAMARA: Because I have known Stephen Hsu and the six other members of his family in this country, I want to thank you for the interest you have shown in this case which led to your introduction of Senate bill S. 3188 in Stephen's behalf.

I have only just learned of his predicament, which seems to have resulted from his having ignorantly gone through Canada in traveling from Detroit to Buffalo-Rochester. I cannot doubt that the world is better off with young Hsu alive in the United States than with him deported to his old home in Red China, where his ideas are sufficient grounds for death by shooting.

It was as professor of physics at Cornell University that I came to meet the Hsu family, all members of which have been guests in my home, welcomed and admired by me, my wife, and my grown daughter. I venture to entreat you to do all you can to keep this family safely intact and to ask that you use any parts of this letter in any way that, in your judgment, seems likely to bring support to Stephen's application.

Facts about each of the Hsus are given in the accompanying pages.

Respectfully yours,

HARLEY HOWE.

In order to set forth the qualities of the Hsu family, I outline below what I have learned since 1948 about the following: (1) the father, Prof. C. Y. Hsu; (2) Mrs. Hsu; (3) Stephen Hsu; (4) Stephen's sisters, Elizabeth and Grace; (5) Mrs. Hsu's children, Ruth and John.

(1) Prof. C. Y. Hsu came here in 1948, on leave from his university position in China. He had a passport with no definite termination. He shared my office and did some teaching in the course that I was administering. He was a graduate of Richmond University, and had won the doctor of philosophy degree at Cornell during some earlier period here. He was an able teacher and a Christian gentleman, outspoken in his opposition to the Communist trend even then threatening China. His death, early in 1951, was certainly contributed to by the worries over the possible fate of his wife and two children still in China when the Bamboo Curtain fell.

(2) Mrs. Hsu, a graduate of McGill University in Canada, spent the year 1947–48 at Columbia University, pausing in Ithaca to meet

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her husband's friends. Later, when the Reds made her husband's return to China unthinkable, she somehow managed to escape, with her two young children, joining Dr. Hsu at Hampton Institute, Va., in the fall of 1950, only a few weeks before his sudden and untimely death.

(3) Stephen came here with his father in 1948 and studied for 2 years in Cornell's Graduate School of Aeronautical Engineering, win ning a master's degree. He then enrolled in a Bible college in the South, but in February 1951, he suspended his study there for the rest of the year in order to carry on, as best he could, the teaching his father had contracted to do for Hampton Institute.

(4) Elizabeth Hsu graduated from Richmond University in 1949 with highest honors. I met her first in Ithaca, later at her sister's wedding, at Keuka College, nearby.

Grace came direct to Ithaca from China in 1949. It was my pleasure to drive her at once to Keuka College, where she completed a 4-year course in nursing, and it was my privilege to act as her godfather upon her marriage in 1953.

(5) The younger children, Ruth and John, both now in high school, are rapidly growing into the kind of persons we want Americans to be. Both are able students, excellently trained in the family manner of the Chinese and both quite American in their present attitudes and language.

Meanwhile, Mrs. Hsu, dismayed and bewildered by her husband's death so soon after the family thought itself reunited, has been making herself a place as a professor at Keuka College for Women. She had operated a large school for youngsters of grades 5 to 12 in China.)

Altogether, here is a fine family, the kind of folks we like in America, the only damning thing about them being their color, against which we who boast of our tolerance and social advancement have chosen to erect an excluding "white man's curtain."

Cannot some rational action be taken to give a chance for life, useful service, and happiness to this group of American-educated, liberty-loving, family-tied individuals? Old laws intended to exclude low-class Chinese coolies have certainly no reasonable application to persons of the Hsu class. In this so-called Christian Nation, these Hsus are as obviously Christian as most of the conventional church-going families that I know. (Stephen sometimes seems to me to overdo the recital of Bible texts, but I have never seen evidence that the habit leads him to ignore the Golden Rule.)

Repeating my thanks for your influence in Stephen Hsu's favor, I beg to remain,

Respectfully yours,

HARLEY HOWE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3188) should be enacted.

○

Calendar No. 2495

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2461

NATALIA KOZLOV KAVAZOV KOLUBAEV (KOLJUBAJER KOLUBAJEV)

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3193]

The Committee on the Judiciary, to which was referred the bill (S. 3193) for the relief of Natalia Kozlov Kavazov Kolubaev (Koljubajer, Kolubajev), having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the commission of a crime involving moral turpitude in behalf of Natalia Kozlov Kavazov Kolubaev (Koljubajer, Kolubajev).

STATEMENT OF FACTS

The beneficiary of the bill is a 32-year-old native of Yugoslavia, presently stateless, and residing in London, England with her husband and two children. The husband, whose widowed mother lives in the United States, has received a visa, but the beneficiary has been denied a visa because of bigamy. The beneficiary was first married in 1950 in Yugoslavia to a Mr. Kavazov, two ceremonies being performed: one in the Russian Church and the other in the Soviet Embassy. Neither ceremony was considered valid under the laws of Yugoslavia where marriages must be performed before a people's committee. The beneficiary never permitted the marriage to be consummated and a few months later she and her husband separated. In 1951, without benefit of a divorce, she married her present husband and later was married in a religious ceremony in 1954.

A letter, with attached memorandum, dated June 29, 1956, to the chairman of the Senate Committee on the Judiciary from the Com-

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missioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., June 29, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3193) for the relief of Natalia Kozlov Kavazov Kolubaev (Koljubajer, Kolubajev), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Miami, Fla., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime, and would authorize the alien's admission for permanent residence if she is otherwise admissible under that act. It would further provide that this exemption shall apply only to grounds for exclusion of which the Secretary of State or the Attorney General has knowledge prior to the enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE NATALIA KOZLOV KAVAZOV KOLUBAEV (KOLJUBAJER, KOLUBJEV), BENEFICIARY OF S. 3193

Information concerning this case was obtained from Mrs. Mary Rodzianko, the beneficiary's sister-in-law, who is the interested party in the case.

Natalia Kolubaev, nee Kozlov, formerly Kavazov, was born on August 12, 1923, in Zrenjanin, Yugoslavia. She is stateless and resides at 146b Sinclair Road W14, London, England. She has never been in the United States. Her father is deceased and her mother, Tatiana Kozlov, resides in Russia. Mrs. Kolubaev was married to Konstantin Kavazov on July 20, 1950, in a Russian church in Belgrade, Yugoslavia, and again by a civil ceremony in the Soviet Embassy in that city on July 21, 1950. She married Victor Kolubaev in a civil ceremony on July 26, 1951, in Trieste after having been advised by officials of the displaced persons' camp in which she then resided, that it was legal for her to enter into the marriage as her marriage to Konstantin Kavazov was never consummated; that her Soviet passport still bore her maiden name; and that the note on her first

marriage contained in her passport bore no seal. She and Victor Kolubaev were married in a religious ceremony in a Russian church in Trieste on May 16, 1954. Two children, ages 2 and 3 years, are the issue of this marriage and reside with the parents. The beneficiary is unemployed and resides with her husband. From 1947 to 1949 she was employed as an assistant nurse by the Department of Social Security, Belgrade, Yugoslavia, and from 1949 to 1950 by the Traumatological Hospital in that city in a similar capacity. She was denied an immigrant visa by the American Embassy, London, England, on September 15, 1955.

Mrs. Mary Rodzianko, who is stateless and resides at 34 Park Road W4, London, England, was born on September 16, 1915, in Borzenkowo, Kursk, Russia. She married Vladimir Rodzianko in Belgrade, Yugoslavia, on August 29, 1937. He was born in Russia on May 22, 1915, and is also stateless. Mrs. Rodzianko was a temporary visitor in the United States from December 19, 1955, to January 19, 1956. Her father, the Reverend Vassily Koljubajeu (Koljubajer, Koljubajev, Koljubaev), who was a priest of the St. Andrews Orthodox Church, St. Petersburg, Fla., died in that city on August 22, 1955. Her mother, Martha Koljubajeu, resides at 1250 James Avenue South, St. Petersburg, Fla. The Reverend and Mrs. Koljubajeu were admitted to the United States for permanent residence on January 27, 1952. In addition to her mother and her brother Victor, the beneficiary's husband, Mrs. Rodzianko has 2 sisters and 1 brother who reside in Yugoslavia, and another brother who resides in Brazil. Mrs. Rodzianko has stated that "the proposed coming of my brother" (the husband of the beneficiary), "and his family to the United States would be a great help and relief, spiritual and material support to my mother who is an old, ill, and lonely widow."

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information concerning the beneficiary.

A letter dated January 27, 1956, to Senator George A. Smathers, from the Director, Visa Office, United States Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, January 27, 1956.

Hon. GEORGE A. SMATHERS,
United States Senate.

DEAR SENATOR SMATHERS: I refer to your letter of January 4, 1956, transmitting the attached communication, with enclosure, from Mrs. Mary Kolubaev Rodzianko concerning further the immigrant visa case of her sister-in-law, Mrs. Natalie Kozlov Kavazov Kolubaev (Koljubajer, Kolubajev) who desires to come to the United States from England. Reference is also made to the interim telephonic acknowledgment of your letter on January 5, 1956.

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According to a report received from the American consular officer handling the case of the alien in question, his records show that Mrs. Koljubajer (Kolubaev), then Miss Kozlov, married a Mr. Constantin Kavazov at the Russian Orthodox Holy Trinity Church at Belgrade and in a civil ceremony at the Embassy of the Union of Soviet Socialist Republics in that city on July 20 1950; that the separation between Mr. and Mrs. Kavazov occurred in September or October 1950, and that on July 26, 1951, Mrs. Kavazov married Mr. Victor Koljubajer (Kolubaev, Kolubajev) in Trieste without having obtained a valid dissolution of her prior marriage.

The consular officer's report shows further that, at the request of Mr. Constantin Kavazov, the Synod of Bishops of the Russian Orthodox Church Outside of Russia, 312 West Seventy-seventh Street, New York 24, N. Y., dissolved his religious marriage to Miss Kozlov on August 24, 1952, predicated upon a finding that she had committed adultery.

Aside from the question as to the validity of this divorce under the immigration laws of the United States, it appears clear from the record that Mrs. Kolubaev entered into a second marriage at a time when her first marriage had not been legally terminated. The records show further that Mrs. Kolubaev admitted that when she entered into a purported marital agreement with Mr. Kolubaev, she had a prior marriage which was still subsisting and undissolved. It was concluded, therefore, that she had admitted the commission of the essential elements constituting the crime of bigamy. As you are undoubtedly aware, the crime of bigamy has been held to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act. Consequently, the consular officer was legally obligated to refuse Mrs. Kolubaev a visa.

Mrs. Kolubaev's case has also been considered under the provisions of section 4 of Public Law 770. Section 601 of title 22 of the Criminal Code of the District of Columbia, which defines bigamy, provides a sentence to imprisonment of not less than 2 years or more than 7 years. Since this crime would be classifiable as a felony under section 1 (1) of title 18 of the United States Code, Mrs. Kolubaev would be ineligible for the relief provided in section 4 of Public Law 770.

The documents submitted with your letter under reference have been carefully examined in the Department. Since it is clear from this examination that Mrs. Kolubaev failed to obtain a valid termination of her first marriage before she entered into her purported second marital agreement, it is not considered that the documents in question afford a proper basis for any change in the decision previously reached in her case.

With kind regards,

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Enclosure: From Mrs. Rodzianko, December 19, 1955, with enclosure.

Senator George A. Smathers, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

SYNOD OF BISHOPS OF THE
RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA,
New York, N. Y., August 2, 1955.

To the AMERICAN EMBASSY,
1, Grosvenor Square, London W. 1.

GENTLEMAN: This is to certify that the Holy Synod of Bishops of the Russian Orthodox Church Outside of Russia had on June 6/19, 1951, hearing on the subject of divorce of consorts Kavazov Konstantin and Natalia born Kozlov on request of the husband in consequence of transpassing by his wife of the holiness of their marriage union by adultery.

It was decided to accept the suit for consideration and to propose to the suitor to pay the equivalent sum of 10 American dollars as the divorce fee. Mrs. Natalia born Kozlov was immediately informed of that decision.

It appeared from the statements and documents presented at the suit that the first marriage of Mrs. Natalia born Kozlov was hardly consummated by her and that the consorts Kavazov had no harmony in their married life from the very first days.

The divorce was granted on 26 April 1953, Ref. No. 562. Mrs. Natalia born Kozlov being put under penance but allowed to contract a second religious marriage, which was blessed by the priest in the Russian Orthodox Chapel in Trieste on 16th May 1954.

Very truly yours,

(Sign) ARCHBISHOP VITALY,
Member of the Synod
(For the President).

This copy is correct:

Archpriest GEORGE GRABBE,
Chancellor to the Holy Synod.

Broj 3565–II–1–1956
Predmet: Kavasov Constantine-Kozlov Natalia, validity of marriage.
Zagreb, 13.II. 1956
Re 16.863

INTERNATIONAL SOCIAL SERVICE HEADQUARTERS,
14. Rue de Hollande, Geneva, Suisse, February 20, 1956.

DEAR MISS RIVIER: Confirming your letter of 19th.II.1956 we beg you to take the following information:

The Yugoslav marriage law considers a marriage which is contracted on the Yugoslav territory as existent only if all conditions have been fulfilled which the law prescribes for a marriage to be considered as existent /art. 38./. That a marriage might be considered as existent it is needed, that two persons of opposite sex should give their statement before a competent state organ /authority/, in a form which is legally prescribed, that they are willing to contract a marriage /art.15./. A marriage can be contracted only before a people's committee which is competent to manage the registration of marriages for the territory on which both or one of the partners have their domicile, or, in case they have none, than, on which they live at present /art.26./. The legally prescribed form of marriage is bound for the foreign citizens too /art.83./.

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According to the above-mentioned prescriptions, it must be considered that the marriage contracted at the Consulate URSS in Belgrade in the case of Kavasov Constantine and Kozlov Natalia is not existent at all under the marriage law of Yugoslavia.

Sincerely yours,

_____ _____.

I certify that this is a true copy of the original letter dated 13/2/56.

_____ _____, *Solicitor.*

A partner in the firm of E. H. Silverstone & Co., 240, High Holborn, W. O. 1. 13/4/56.

SERBIAN ORTHODOX CHURCH OF ST. SAVA,
New York, December 19, 1955.

Re Mrs. Victor Kolubaev—immigrant visa

Hon. GEORGE SMATHERS,
United States Senator from Florida,
Washington, D. C.

Miss Natalia Kozlov was married in the church of the Holy Trinity in Belgrade, Yugoslavia, on the 20th of July 1950 to Mr. Konstantin Kavazov. The next day (21st July 1950) their marriage was registered in the Soviet Embassy (Belgrade). Both of them were children of the Russian refugees (after the Revolution) but after the Second World War they were registered—as nearly all of the Russians in Communist Yugoslavia—at the Soviet Embassy, as "Soviet citizens." Miss Natalia Kozlov was practically forced (it was a long and sad story) to marry Mr. Kavazov, with whom she left for Trieste on 30th July 1950. The marriage union was never consummated, and Miss Kozlov remained a virgin. She left him in Trieste in September 1950 and refused to immigrate with him anywhere. She declared that to the IRO authorities, saying that she was not willing to go back to Yugoslavia or Russia either. Her Soviet passport was taken from her by the IRO authorities and she was told by the officials that she was considered a political refugee and a spinster. Her "marriage"—she was told—was not considered proper for it was null and void in fact, while the only legal document where it was marked—was her Soviet passport. The mark was written by hand without any seal and was not a proper form of it. The passport was still under the name of Kozlov (the maiden name) and now lost its validity altogether, as she became a refugee. Therefore she was advised by the camp authorities in Trieste to forget about that marriage at all.

But, being a religious person, she wrote about it to the ecclesiastical authorities of the Russian Church outside of Russia (resident in New York) in November 1950. As is seen from the enclosed church document she was told to make a formal appeal and was consequently divorced with the rights to marry another person.

On the 26th of July 1951 she entered into the civil marriage with Mr. Victor Kolubaev at Trieste register office on the ground that her first "marriage" was considered by Major Kellett's office (the British camp authorities) as null and void, and that she was given by them the personal document under the name of "Miss Natalia Kozlov."

Her marriage with Mr. V. Kolubaev was at first considered as perfectly legal by both the local and British authorities in Trieste, and by the American consulate in Genova where they applied for the immigration to the United States of America. The American visa

was granted and they were shortly to go to America when—in 1954—the American consulate in Genova suddenly stopped everything on the ground of Mrs. Kolubaev's "bigamy".

Mrs. V. Kolubaev was accused of what she was never in fact guilty, or better to say: of what she did in good faith believing those who advised her.

Still the formalities were against her: there was no legal proof that her first "marriage" was considered by the Yugoslav authorities as illegal; there was no proof that it was null and void in fact, and that she entered her marriage with Mr. V. Kolubaev as a virgin; there was no proof that she was advised by the Trieste authorities to neglect her first "marriage."

Meanwhile, Mr. Victor Kolubaev's father, the Reverend Basil (Vassily) Kolubaev—who was already in St. Petersburg, Fla.—became dangerously ill.

He immigrated into United States in 1951, leaving his son behind and hoping to see him shortly in America. There was a job for Victor (of an architect) and a flat in St. Petersburg provided by Father Basil's congregation. But he was not allowed to move in across Atlantic with his wife and two infants, and was not ready to leave them behind.

The Reverend B. Kolubaev and Mrs. Kolubaev were in a desperate situation, as the parish was not a wealthy one and there was a hope that Victor's work would help to support his parents.

The case became very tragic when Victor got news from the doctor that his father was definitely dying. Victor left by then Trieste and immigrated with his family into Great Britain where the authorities were not as formalistic and allowed him to enter the country with his family.

Yet the American consulate in London, apparently, could do nothing: all formalities were against his wife. They advised to appeal to the Congress for an act of mercy. But it was too late: the father died in August 1955 without being able even to see his son and grandchildren and to give them the last blessing. In St. Peterburg remained his widow in a desperate situation—lonely, poor, and ill.

We apply for the act of mercy.

(Signed) MARY RODZIANKO

(Mary Rodzianko, born Kolubaev Victor Kolubaev's sister).

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3193) should be enacted.

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Calendar No. 2496

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2462

GEORGIANA CHING HSIEN (LIANG) NEW

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3257]

The Committee on the Judiciary, to which was referred the bill (S. 3257) for the relief of Georgiana Ching Hsien (Liang), New, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Georgiana Ching Hsien (Liang) New. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of China who entered the United States at San Francisco, Calif., on August 3, 1953, when she was admitted as a student. She is married to a native and citizen of China whose application under section 6 of the Refugee Relief Act has been approved and was submitted to Congress January 16, 1956. They have a citizen child born August 20 1954. The husband is assistant to the pastor of the Chinese Christian Church of New England.

A letter, with attached memorandum, dated May 18, 1956, to the chairman of the Senate Committee on the Judiciary from the the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3257) for the relief of Georgiana Ching Hsien (Liang) New, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GEORGIANA CHING HSIEN (LIANG) NEW, BENEFICIARY OF S. 3257

Georgiana Ching Hsien (Liang) New, nee Liang, a native and citizen of China, was born on July 4, 1929, in Canton, Kwangtung Province. She married En-An (Abraham) New, a native and citizen of China, on August 22, 1953, at Findlay, Ohio. Their daughter, Mary Jane, was born in Findlay, Ohio, on August 20, 1954. Mrs. New resides with her husband and daughter at 54 Harvard Street, Boston, Mass. she is unemployed and is dependent upon her husband for support. The family assets consist of furniture valued at $300, and a $400 equity in an automobile valued at $700. Prior to coming to the United States, she lived in Hong Kong for over 4 years. She graduated from high school in Shanghai, China, and completed the freshman year at Findlay College in Ohio in June 1954. Her parents live in Hong Kong and six sisters live in China. Other than her husband and daughter, she has no near relatives in the United States.

The beneficiary's husband was admitted to the United States on September 14, 1946, as a nonimmigrant student. He applied for adjustment of status under section 6 of the Refugee Relief Act of 1953 which was approved by this Service on August 10, 1955, and a report of the facts was referred to Congress on January 16, 1956. Mr. New is assistant to the pastor of the Chinese Christian Church of New England, located at 54 Harvard Street, Boston, Mass. His present salary is $2,700 per year, plus living quarters at the church property with all utilities free.

Mrs. New's only entry to the United States occurred at San Francisco, Calif., on August 3, 1953, at which time she was admitted as a nonimmigrant student for 1 year. Her status was changed from a nonimmigrant student to that of

a nonimmigrant visitor for pleasure on March 3, 1955, and she received extensions of stay until March 10, 1956. Deportation proceedings were instituted on March 16, 1956, on the ground that after admission as a nonimmigrant she failed to comply with the conditions of the nonimmigrant status to which it was changed. At a hearing on March 23, 1956, she was found deportable on that charge and an order was entered directing that she be given voluntary departure and in the event that she failed to depart, that she be deported. There was no appeal from this decision.

Senator Leverett Saltonstall, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
April 4, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in reference to S. 3257, the private bill for the relief of Georgina Ching Hsien (Liang) New, which I introduced on February 22, 1956. Mrs. New's case was brought to my attention by Dr. Robert F. Oxnam, vice president for administrative affairs, Boston University, Boston, Mass., whom I know and in whose judgment I have great confidence.

Mrs. New was born in Canton, China, on July 4, 1929. She came to the United States on a student visa to study at Findlay College, Findlay, Ohio, entering this country at the port of San Francisco on August 3, 1953. She was admitted for 6 months (to January 16, 1954), and secured several extensions of stay, the last of which expired on March 11, 1956.

Mrs. New's husband, En-An (Abraham) New, was born on July 1, 1927, in Shanghai, China. He entered the United States on September 14, 1946, at San Francisco, as a student to study at Oberlin College, Oberlin, Ohio. He has filed an application for adjustment of status under section 6 of the Refugee Relief Act of 1953, as amended, and I have been informally advised by the Immigration and Naturalization Service that Mr. New's case was referred to the Congress (House Judiciary Committee) on January 16, 1956 (file No. A-6555844). Mr. New now resides with his wife at 54 Harvard Street, Boston 11, Mass., and he is a student at Boston University School of Theology. He is also assistant pastor at the Chinese Christian Church of New England in Boston, Mass.

When the News' child was born on August 20, 1954, Mrs. New discontinued her studies at Findlay College, and on March 10, 1955, her status was changed to that of visitor.

From the attached memorandum in support of S. 3257, you will note that Mrs. New "had 3 years of college education at Aurora College for Girls in Shanghai, China. She studied 1 year at Bethel Bible Seminary in Hong Kong. She studied 1 year at Findlay College, Findlay, Ohio (from September 1953 to June 1954). The applicant plays the organ at the Chinese Church where her husband is assistant pastor.

"Her husband, Abraham New, was a graduate of Moody Bible Institute of Chicago in 1951. He graduated from Findlay College

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with a bachelor of science degree in 1955. Now he is a second-year student in Boston University School of Theology. Mr. New is assistant pastor at the Chinese Christian Church of New England, 54 Harvard Street, Boston 11, Mass. His position at the Chinese Church cannot be replaced by anyone who doesn't master in addition to the English language, the Cantonese, Shanghai, and Manderine dialects as well as having some theological training, and a few years of experienced acquaintance with the American way of life.

"Both Mr. and Mrs. New are members of the Methodist Church. Mr. New holds a local preacher's license in the Howard Methodist Church at Findlay, Ohio."

As reasons for a private bill for Mrs. New, the following information was submitted:

"The applicant has an American-born child (Mary Jay New) born August 20, 1954, in Findlay, Ohio, and husband whose case has been recommended for adjustment in section 6 (Refugee Relief Act of 1953) now pending before Congress for final approval. The applicant cannot return to Canton, China, her place of birth, for fear of persecution by Communist China. Furthermore, separation from her husband and child will result in extreme economic and social hardship. The husband is the provider of the family and as a minister he can hardly earn enough to support a wife who is not living with him. He is, furthermore, assistant pastor in the Chinese Church and his services are greatly needed in the community."

You will note that the applicant "had discussed the matter with the appropriate immigration authorities in Boston" (with reference to any existing laws which might be of help to Mrs. New), and "It was pointed out to her that there is no other discretionary relief to which she would be eligible. She is not eligible for preexamination as her husband is not an American citizen. She is not eligible for suspension of deportation because she has been in this country only 2½ years. Chinese quota is so heavily oversubscribed that it will require many years before a quota number may be available for her should she be forced to depart from the United States."

I am enclosing several letters of character reference in behalf of Mr. and Mrs. New, and each letter mentions the high regard in which this couple is held and the need for their services at the Chinese Christian Church of New England in Boston, Mass.

Also enclosed is a photostat of a statement submitted by Mr. New in behalf of his wife, giving reasons for requesting a private bill.

Mrs. Pauline Gardescu, executive director, International Institute of Boston, states: "* * * The adjustment of her husband's immigration matter does not make her eligible for any discretionary action. Her departure from the United States would result in family separation and extreme hardship, financially and physically, until she could become eligible for a quota number some years hence. It must be recalled she has a small American citizen baby. It is sincerely hoped that a private bill can be introduced for her relief."

In view of the fact that Mr. New's immigration status is being adjusted under the provisions of section 6, Refugee Relief Act of 1953, as amended, and that this couple has an American-born daughter, together with the fact that Mrs. New cannot return to Canton, China, her place of birth, for fear of persecution by Communist China as well as the financial hardship the family would have to endure should

Mrs. New have to leave the United States, it would appear that this bill deserves your most earnest and sympathetic consideration.

I trust the information furnished may be of help to you and your committee in its study of S. 3257, and that early action may be taken on this bill.

Thank you for your courtesy and helpfulness in this case.

With best regards, I am,

Sincerely yours,

LEVERETT SALTONSTALL,
United States Senator.

FEBRUARY 14, 1956.

REQUEST FOR DETAILED INFORMATION ABOUT GEORGIANA CHING HSIEN (LIANG) NEW, IN SUPPORT OF PROPOSED PRIVATE RELIEF BILL

1. Her full name and address:

Mrs. Georgiana Ching Hsien Liang New, 54 Harvard Street, Boston 11, Mass.

2. Date and place of birth:

Canton, China, July 4, 1929.

3. Full name, date, and place of birth of her husband. His present address. When, where, and under what conditions he entered the United States, and his present status (permanent resident, etc.) (his immigration file No.):

The applicant's husband is Mr. Abraham En an New. He was born on July 1, 1927, in Shanghai, China. He is a citizen of China. He is at present a student at the Boston University School of Theology. He is also employed at the Chinese Christian Church of New England as assistant pastor.

Mr. New entered the United States on September 14, 1946, at the port of San Francisco, Calif., by steamship *General Meigs*. He came on a student's visa to study at Oberlin College, Oberlin, Ohio. His application for adjustment of status under section 6 has been recommended for approval now pending final action of Congress. His file number is A–6555844.

4. When, where, and under what circumstances she entered the United States (by whom sponsored, for how long, etc.):

The applicant, Mrs. New, entered the United States on August 3, 1953, at the port of San Francisco by steamship *President Cleveland*. She came on a student visa to study at Findlay College, Findlay, Ohio. She was admitted for 6 months to January 16, 1954 (after which she secured four extensions, the last of which will expire March 11, 1956).

5. Her present immigration status (when visa expires; has application for renewal been made, etc.):

Upon having her baby August 20, 1954, she had to discontinue her studies in Findlay College. On March 10, 1955, her status was changed to visitor's. Her visitor's visa will expire on March 11, 1956.

Further extension was discussed with the immigration service, and it was pointed out to her that no further extensions can be given to

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her, and that she must depart from the United States on or before expiration of her present permit. The reason given for refusal to further extend her visa was that since her husband is applying for permanent residence she has the intention of remaining permanently in the United States and thus can no longer be considered as a visitor.

6. Résumé of background, education, experience, special skills of Mrs. New (and her husband):

The applicant had 3 years of college education at Aurora College for Girls in Shanghai, China. She studied 1 year at Bethel Bible Seminary in Hong Kong. She studied 1 year at Findlay College, Findlay, Ohio (from September 1953 to June 1954). The applicant plays the organ at the Chinese Church where her husband is assistant pastor.

Her husband, Abraham New, was a graduate of Moody Bible Institute of Chicago in 1951. He graduated from Findlay College with a bachelor of science degree in 1955. Now he is a second-year student in Boston University School of Theology. Mr. New is assistant pastor at the Chinese Christian Church of New England, 54 Harvard Street, Boston 11, Mass. His position at the Chinese Church cannot be replaced by anyone who doesn't master in addition to the English language, the Cantonese, Shanghai, and Mandarin dialects as well as having some theological training, and a few years of experienced acquaintance with the American way of life.

Both Mr. and Mrs. New are members of the Methodist Church. Mr. New holds a local preacher's license in the Howard Methodist Church at Findlay, Ohio.

7. Means of livelihood since entering the United States:

While studying at Findlay College, the applicant was under full scholarship including full tuition as well as board and room which she voluntarily forfeited after she married Mr. New. After she left Findley College at the birth of her child (August 20, 1954) she lived for half a year on her husband's ECA grant until the latter graduated from Findlay College in January 1955, and secured his position at the Chinese Church in Boston. From February 1955 to date the applicant lived on her husband's salary at the Chinese Church (which is $2,700 a year, plus parsonage).

8. Names and addresses of relatives in the United States: Are any citizens?

Dr. and Mrs. C. L. Hsia, 21 Park Place, Great Neck, Long Island (Dr. Hsia was Chinese delegate to the United Nations Security Council).

9. Any record of arrest anywhere? If so, give details:

None.

10. List in order places she has resided in the United States, and for how long:

The applicant resided in Findlay, Ohio, from August 1953 to January 1955. She resided at Boston, Mass., from February 1955 to date.

11. Where is permanent residence planned?

Boston, Mass.

12. Statement regarding desire for private relief bill and reasons for such a bill.

Private bill is the only means by which the applicant's immigration case can be adjusted so that she can remain in this country with her husband and her American-born child. The case of the applicant's husband was recommended for approval under section 6 in August 1955.

13. What particular merit does the case have? (Include documentary evidence that enactment of a private relief bill would prevent extreme hardship) (information should be given in detail) (that child is an American citizen, etc.):

The applicant has an American-born child (Mary Jay New) born August 20, 1954 in Findlay, Ohio, and husband whose case has been recommended for adjustment in section 6 now pending before Congress for final approval. The applicant cannot return to Canton, China, her place of birth for fear of persecution by Communist China. Furthermore, separation from her husband and child will result in extreme economic and social hardship. The husband is the provider of the family and as a minister he can hardly earn enough to support a wife who is not living with him. He is, furthermore, assistant pastor in the Chinese church and his services are greatly needed in the community.

14. Character reference letters attached.

15. Have you exhausted all possibilities under existing laws for relief?

Yes, the applicant had discussed the matter with the appropriate immigration authorities at Boston. It was pointed out to her that there is no other discretionary relief to which she would be eligible. She is not eligible for preexamination as her husband is not an American citizen. She is not eligible for suspension of deportation because she has been in this country only 2½ years. Chinese quota is so heavily oversubscribed that it will require many years before a quota number may be available for her should she be forced to depart from the United States.

INTERDENOMINATIONAL CHINESE
CHRISTIAN CHURCH OF NEW ENGLAND,
Boston, Mass., February 24, 1956.

Hon. LEVERETT SALTONSTALL,
United States Senator from Massachusetts.

MY DEAR SENATOR SALTONSTALL: This is to certify that Mr. Abraham New is assistant to the pastor of the Chinese Christian Church of New England, located at 54 Harvard Street, Boston 11, Mass. Mr. New's work has been greatly appreciated by our people in the community.

His wife Georgiana is a fine Christian lady. She gets along with people nicely. She is very musical and she has been our volunteer organist in the last 10 months. She is also one of our volunteer teachers in our Sunday school. She is a valuable person in our church and in our community.

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Anything you can do to help her to stay in this great land of liberty will be greatly appreciated.

With best wishes and kindest regards, I am,

Most sincerely yours,

Rev. PETER SHIH, D. D., *Pastor.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3257) should be enacted.

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Calendar No. 2497

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2463

MARGARET KWEI CHANG (MARGARET HUA-CHEN KWEI)

JULY 9, 1956.—Ordered to be printed.

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3258]

The Committee on the Judiciary, to which was referred the bill (S. 3258) for the relief of Margaret Kwei Chang (Margaret Hua-Chen Kwei) having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Margaret Kwei Chang (Margaret Hua-Chen Kwei). The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 25-year-old native and citizen of China who entered the United States at San Francisco, Calif., on January 30, 1950, as a student. She obtained a master's degree from the Yale University School of Nursing and is presently employed as assistant instructor of nursing at the Roger Williams General Hospital at Providence, R. I. The beneficiary was married on November 26, 1955, to a Chinese student who is working toward his doctor's degree in electrical engineering. Her parents live in China behind the Bamboo Curtain. Her mother was a native-born United States citizen, who lost her citizenship when she married a Chinese and returned to China. Her father attended Yale, Cornell, and Princeton, where he obtained his doctor's degree. Information is to the effect that he is in disfavor with the Communists and attempted suicide. The beneficiary's application under section 6 of the Refugee Relief Act has been denied.

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A letter, with attached memorandum, dated May 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3258) for the relief of Margaret Kwei Chang (Margaret Hua-Chen Kwei), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Providence, R. I. office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARGARET KWEI CHANG (MARGARET HUA-CHEN KWEI), BENEFICIARY OF S. 3258

Margaret Kwei Chang, nee Margaret Hua-Chen Kwei, a native and citizen of China, was born on January 25, 1931, in Wuchang, Province at Hupeh. She married Shen-Chie (William) Chang, a native and citizen of China, on November 26, 1955, in South Kingston, R. I. They live at 45 Mulberry Street, Providence, R. I. Since August 29, 1955, she has been employed as assistant instructor of nursing by the Roger Williams General Hospital at Providence, R. I. at a monthly salary of $290. The family assets consist of a bank account of $400, a 1948 Dodge automobile, and their personal belongings.

Mrs. Chang graduated from high school in her native country and attended Gin Ling College in Nanking, China, for a short time. From February 9, 1950, until June 1952, she attended William Smith College in Geneva, N. Y. from which she graduated with the degree of bachelor of arts. From September 1952, until June 1955, she attended the Yale University School of Nursing in New Haven, Conn. and was granted the degree of master of nursing by that school on June 13, 1955. Her parents, two sisters, and a brother live in China. She also has a brother living in Canada and a sister living in Ithaca, N. Y. Her mother, who was a citizen of the United States by birth, lost her citizenship by marriage in 1921. The alien has three maternal uncles and many cousins in the United States. Her

uncle, Irving Huie, is highway commissioner for the State of New York.

The beneficiary's husband was admitted to the United States on September 21, 1948, as a student. He is attending the Graduate School of Brown University at Providence, R. I., to obtain the degree of doctor of philosophy. Mr. Chang is employed part time by Brown University as a research assistant and receives a salary of $300 per month. His last extension of stay will expire on July 3, 1956.

Mrs. Chang's only entry into the United States was at San Francisco, Calif., on January 30, 1950, at which time she was admitted as a student for 1 year. She was granted extensions of stay until August 15, 1954. In February 1954, she applied for adjustment of status under section 6 of the Refugee Relief Act of 1953. This application was denied on August 17, 1955, on the ground that she had failed to establish that she was unable to return to the country of her birth and nationality because of persecution or fear of persecution. A motion to reconsider this decision was denied on January 19, 1956, after which she was ordered to depart from the United States on or before March 15, 1956.

Deportation proceedings were instituted on March 16, 1956, on the ground that after admission as a nonquota student, the beneficiary had failed to comply with the conditions of such status. At a hearing on March 23, 1956, she was found deportable on that charge at which time an order was rendered that she be granted voluntary departure, and in the event that she failed to depart that she be deported. There was no appeal from this decision. There appears to be no administrative relief available.

The Roger Williams General Hospital, a corporation, is primarily interested in the bill.

Senator John O. Pastore, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
March 20, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: On February 22, 1956, I introduced S. 3258, a bill for the relief of Margaret Kwei Chang (Margaret Hua-Chen Kwei).

I introduced this bill at the request of Mr. Henry G. Clark, president of the Roger Williams General Hospital in Providence, R. I. Mr. Clark explained to me the vital need which the Roger Williams General Hospital has for such an eminently qualified person as Mrs. Chang in their department of nursing.

I have received a brief in support of S. 3258, which I am enclosing inasmuch as I feel that this document will be of inestimable value when the Subcommittee on Immigration considers this bill. For background purposes, may I respectfully point out, as revealed in the enclosed brief, the fact that Mrs. Chang's father was educated

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at Yale, Cornell, and Princeton Universities. Her mother was born in New York city and is a graduate of Cornell.

The reason which prompted me to introduce this bill is that Mrs. Chang feels she will be subjected to persecution in the event that she must return to what is now Communist China. On page 4 of this brief, reasons for Mrs. Chang's belief that she will be persecuted are vividly portrayed. It seems quite evident that her father is in disfavor with the present regime in China and that her life would be in danger were she forced to leave the United States and return to her homeland.

This woman has worked very hard and successfully in a profession dedicated to humanity and from the enclosed documents, it is reasonable to say that Mrs. Chang has been most successful in the nursing profession.

I know that the enclosed brief, letters, and documents pertaining to Mrs. Chang's experience while in the United States will be of extreme interest to the members of your Committee when they consider S. 3258.

Any consideration which may be shown to this bill will be deeply appreciated by me.

With every best wish, I am

Sincerely yours,

JOHN O. PASTORE,
United States Senator.

BRIEF IN SUPPORT OF S. 3258

(A Bill for the Relief of Margaret Kwei Chang (Margaret Hua-Chen Kwei))

A. FAMILY BACKGROUND

Margaret Kwei Chang (nee Margaret Hua-Chen Kwei), a Chinese citizen, was born in Wuchang, Hupeh, China, on January 25, 1931. Her father, Dr. Paul Kwei, a leading Chinese physicist, was at that time teaching at Huachung University, a Christian university, where he taught for 9 years. Later he became dean of the science college of Wuhan University. Dr. Kwei was educated in the United States at Yale University (bachelor of science), Cornell University (master of science) and Princeton University (doctor of philosophy). Mrs. Chang's mother, a graduate of Cornell University, was born in New York City, her father being a naturalized American citizen of Chinese descent and her mother being a natural born American citizen of Dutch descent. Mrs. Chang's mother lost her American citizenship in 1921, under the nationality laws then in effect, when she married Dr. Kwei and returned with him to China.

Mrs. Chang is a devout Christian and a member of the Protestant Episcopal Church. She has a considerable Christian background, her father also being a member of the Protestant Episcopal Church and her mother being a member of the Presbyterian Church. Her paternal grandfather was an Episcopal missionary priest in China, while her maternal grandfather was a Presbyterian minister in the United States. An uncle, Bishop Y. Y. Tsu, was Episcopal Bishop of Kunming, China, and now lives in retirement in Philadelphia, Pa.

Three of Mrs. Chang's maternal uncles are citizens of the United States by birth.

Mrs. Chang's father, Dr. Paul Kwei, resided in the United States during the years 1942–45, inclusive, during which time he represented the Education Department of the Chinese Nationalist Government. When Dr. Kwei returned to China in 1945, he did consulting work and performed various projects for the United States Navy. The files of the Navy Department may contain information as to the nature of this work.

Mrs. Chang has 2 brothers and 3 sisters. One brother resides in Canada, while one sister resides in Ithaca, N. Y., and is married to a professor at Cornell University. The remaining brothers and sisters, so far as Mrs. Chang knows are students in China.

Mrs. Chang was married on November 26, 1955. Her husband, Mr. William Chang, is a student at Brown University, in Providence, R. I., where he is completing the requirements for the degree of doctor of philosophy in electrical engineering. Mr. Chang holds a bachelor of science degree and a master of science degree from the University of Michigan, and is in lawful status in the United States on a student visa. Mrs. Chang had filed her application for relief under section 6 of the Refugee Relief Act of 1953 in April 1954. She met Mr. Chang for the first time in June 1954.

B. EDUCATIONAL BACKGROUND

Mrs. Chang left Shanghai, China, in September 1949, the holder of a scholarship at William Smith College in Geneva, N. Y. In order to secure exit papers from the Communist authorities in Tientsing, she informed such authorities that it was her intention to go to Hong Kong as a student. If her true plans were known, she would of course, have been denied exit permission. Mrs. Chang left Hong Kong on January 14, 1950, with a student visa issued by the United States consul at Hong Kong. She arrived in San Francisco, Calif., on January 30, 1950, and proceeded directly to William Smith College. She obtained the degree of bachelor of arts from that college in 1952 and the degree of master of nursing at Yale University in June 1955. She was licensed by examination as a registered nurse in Rhode Island in June 1955.

Mrs. Chang was employed as a staff nurse at Lying-In Hospital in Providence, R. I., during the summer of 1955 and joined the staff of the School of Nursing of Roger Williams General Hospital, Providence, R. I., on August 29, 1955.

C. REFUGEE STATUS

Mrs. Chang feels, for a substantial number of reasons, that it would be dangerous for her to return to her homeland. These reasons include the following:

1. *Family persecution.*—When the Communists had completed their seizure of China, Mrs. Chang's father, Dr. Paul Kwei, lost his position as dean of the science college of Wuhan University and now is permitted to teach only basic physics in that institution. During 1950, Mrs. Chang received several letters from her parents, while in 1951, Mrs. Chang received only one letter. During the year 1951, Mrs. Chang heard a rumor to the effect that her father was dead.

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This rumor was corrected in 1952 when Mrs. Chang received a letter from a Miss Margaret Brown, who is an Episcoal missionary in Hong Kong and an acquaintance of the Kwei family. Miss Brown advised Mrs. Chang that Mrs. Chang's parents were alive and apparently under house arrest, and also advised Mrs. Chang that her father had swallowed a bottle of lysol in an attempt to commit suicide. The attempt was frustrated. Miss Brown also stated that Dr. Kwei and two of his colleagues at the university had been accused of collaboration, and Mrs. Chang presumes the alleged crime was collaboration with the United States. Miss Brown's letter is in the possession of the United States Immigration and Naturalization Service. Unfortunately, Mrs. Chang did not retain a copy of the letter. In the fall of 1952, Mrs. Chang received a letter from her mother, and her mother confirmed the house arrest. Mrs. Chang has received letters from her parents from time to time since 1952, but has no real way of knowing what their condition or the condition of her brothers and sisters may be. Mrs. Chang feels that her father's work for the United States Navy, his education in the United States, and his employment by the Nationalist Government have greatly prejudiced him in the eyes of the Communist authorities.

2. *Religion.*—It is well known that the Communist Government of China has made every effort to stamp out the Christian faith and has vigorously persecuted Christian missionaries and converts. Mrs. Chang knows, for example, that the church in her home city of Wauchang has been closed. Because of her Christian background, Mrs. Chang would be suspect if she were forced to return to China.

3. *Family relationships.*—Three of Mrs. Chang's maternal uncles have been blacklisted and are wanted by the present Chinese Government. These uncles are Bishop Tsu, referred to above, Dr. James Y. C. Yen, and Dr. Fu-Ling Chang. Dr. Yen is a resident of the city of New York and holds a diplomatic passport issued by the Nationalist Government on Formosa. At the present time, he is apparently working in the Philippine Islands with the so-called Mass Educational Movement. Mrs. Chang believes he has been sent to the Philippines by the United States Government. Dr. Fu-Ling Chang is at present a professor of sociology at Beria College in Kentucky.

4. *Husband's family.*—Mr. Chang's parents have fled China and are presently living in Hong Kong. Since they are doubtless wanted by the Chinese authorities, it would obviously be unsafe for their son and/or his wife to return to China.

5. *Method of exit.*—As noted above, Mrs. Chang lied to the Communist authorities in Shanghai when she stated that she wished to leave China solely for the purpose of going to Hong Kong as a student. If a record of her departure has been preserved, the fact that she, in reality, intended to enter the United States would doubtless be used against her. In this connection, it should be noted that Mrs. Chang entered the United States, for the purpose of completing her education, after the Communist seizure of China and at a time when the Communist government would not permit Chinese students to depart for the United States. This is quite different from the more common case of a Chinese student who was resident in the United States at the time China fell to the Communists.

6. *American relationships.*—Mrs. Chang has so many relatives in the United States, naturalized, natural born, or otherwise that she or any member of her family would clearly be suspect in China.

It would be impossible for Mrs. Chang to enter Formosa because such entry would have repercussions in China so far as her family is concerned. Mrs. Chang has been advised that it is unlikely she can secure permission to enter Hong Kong or other British territory. If S. 3258 fails of passage, therefore, she will probably have no choice but to return to Communist China.

It would appear that both humane and practical considerations support the passage of S. 3258.

Respectfully submitted.

HINCKLEY, ALLEN, SALISBURY & PARSONS,
Counsel for Margaret Kwei Chang.

I, Margaret Kwei Chang, certify that I have read the foregoing brief and that it is true and accurate in every particular.

MARGARET KWEI CHANG.

Subscribed and worn to before me by the above-named Margaret Kwei Chang this 14th day of March, A. D. 1956.

[SEAL] ROBERT F. PICKARD,
Notary Public.

My commission expires June 30, 1956.

HINCKLEY, ALLEN, SALISBURY & PARSONS,
Providence, R. I., March 16, 1956.

Re S. 3258, Margaret Kwei Chang.

Mr. C. J. MAISANO,
Administrative Assistant to Senator John O. Pastore,
Senate Office Building, Washington, D. C.

DEAR MR. MAISANO: I enclose herewith a letter dated March 14, 1956, signed by Mary C. Brennan, director of nursing, Roger Williams General Hospital School of Nursing, directed to me giving some additional information with respect to the shortage of instructors at the school of nursing. I asked her to submit this to supplement her letter dated March 1, 1956, which I forwarded to you on March 14.

With respect to the brief in support of S. 3258, which we submitted to you with my letter dated March 14, I wish to call your attention to the statements on page 2, first full paragraph, and page 5, paragraph No. 3, with respect to Mrs. Chang's maternal uncles. We feel that the language describing them may be subject to interpretation since they are the husbands of sisters of Mrs. Chang's mother, and probably should be more precisely described as "maternal uncles by marriage." Perhaps this is obvious from the fact that each of them bears a different surname, as is shown in the paragraph on page 5 of the brief, but in viewing the matter, we felt it should be pointed out to avoid any possible misunderstanding.

I also feel I should advise you that pursuant to a notice sent to her, Mrs. Chang appeared at the local office of the Immigration and Naturalization Service this morning accompanied by me. The purpose of the appearance, it developed, was twofold. First she was served with an order to appear for hearing before a special inquiry officer of the Immigration and Naturalization Service in Boston on March 23, 1956, and to show cause why she should not be deported on the charge that she has failed to comply with the conditions of status as a student in that she has remained in the United States for a longer time than

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permitted under the law. It appeared that this proceeding was initiated because the last extension of time for her to depart voluntarily expired on March 15. Mr. Shadd, of our office, had been under the impression that all proceedings with respect to deportation would be stayed until action had been taken on the private bill. We were advised informally this morning that if at the hearing on next Friday it was determined that she should be deported, an order would be entered which would permit Mrs. Chang to depart voluntarily prior to August 1, and if this, in fact, happens, it might well permit the necessary time for proceedings on the private bill.

This morning I was granted permission to look at the document, which is in the record of Mrs. Chang's case, referred to on page 4 of the brief as a letter by Miss Margaret Brown. This document proved to be a signed statement which Miss Brown had made before the United States Vice Consul in Hong Kong describing Mrs. Chang's parents and their devotion to Christianity and relating certain facts with respect to the father's suicide attempt, these facts having been told to Miss Brown by a Christian missionary named Geraldine Skinner, who had succeeded in getting out of China in 1953 to Hong Kong, but who had then died subsequent to telling the facts to Miss Brown. It appeared that Miss Skinner was personally familiar with the facts and that Dr. Kwei had been publicly denounced by a representative of the Communist Party, had been subject to public questioning for protracted periods under very gruelling conditions and had finally made his suicide attempt after one of his close colleagues had been falsely accused on the evidence of an associate who had been tortured into making the accusation. According to the account, after Dr. Kwei had been rescued from the suicide attempt, the case against him was not pressed because the party representative himself had fallen out of favor with higher authorities.

We feel that this statement by Miss Brown is of the utmost importance in establishing the basis for Mrs. Chang's bona fide fear of persecution if she returns to China, and if it is possible for the committee considering the bill to procure a copy of that letter from the Immigration and Naturalization Service, it should be of material assistance.

We will very much appreciate your calling or wiring or writing us to ask for any other data or clarification of any points which you may feel would be of assistance to Senator Pastore on this bill.

If it would help to have a representative of the hospital appear before the committee or come to Washington for the purpose of discussing the matter with Senator Pastore, it could certainly be arranged. We wish to do everything we can to insure the success of this bill.

I should explain that this letter and the prior one were written by me because Mr. Shadd is incapacitated this week. He will be back on Monday, but correspondence addressed to either of us will receive prompt attention.

Sincerely yours,

ROBERT F. PICKARD.

ROGER WILLIAMS GENERAL HOSPITAL
SCHOOL OF NURSING,
Providence, R. I., March 14, 1956.

Mr. ROBERT F. PICKARD,
Providence, R. I.

DEAR MR. PICKARD: In answer to your telephone request of Monday to Mr. Sleight, I am submitting the following information:

Early in 1955 I received the resignation of the incumbent assistant instructor in nursing effective June 15 because of pregnancy. At that time I approached the placement bureaus of Teachers College, Columbia University, University of Pennsylvania, Boston University, and Boston College with a request for qualified applicants for such a position. On May 2, I placed the following advertisement in the American Journal of Nursing:

"Assistant instructor in nursing—244-bed hospital, fully accredited school, 100 students. Bachelor of science degree in nursing or nursing education, experience in teaching desirable. 40-hour week, 4 weeks vacation, 9 paid holidays, retirement plan, sick leave, Blue Cross and Physicians' Service, social security. Position available June 15. Apply Director of Nursing, Roger Williams General Hospital, 825 Chalkstone Avenue, Providence, R. I.

This advertisement appeared monthly until the position was filled. As I told Mr. Shadd in my letter of March 1, Mrs. Chang was appointed only 9 days before the beginning of the fall term. She had applied here in the summer of 1955 for staff duty but went to Lying-In Hospital instead. Later in the summer as I was going through application forms, I came across one for Mrs. Chang (then Miss Kwei). I got in touch with her and interviewed her at which time she told me that she was planning to accept an appointment in public health nursing at the University of Michigan in September 1955 and hoped to return to Providence in the fall of 1956 and to be married at that time. She said, however, that there was a slight chance that she and Mr. Chang might be able to advance their wedding date to November 1955, in which case she would not go to Michigan and would get in touch with me. As previously stated, the welcome news that she would be able to do so and would therefore be available for appointment reached me on August 29.

Our nursing school instructional staff complement should be as follows:

Assistant director, School of Nursing
Instructor in medical and surgical nursing
Instructor in nursing
Instructor in science
Instructor in social studies
Clinical instructor—practical nurse students
Assistant instructor in nursing
Clinical instructor
School of nursing librarian
Director of student activities

In addition, operating room, obstetrical, and communicable disease nursing are taught by supervisor-instructors with dual functions in both school and hospital.

In the early summer of 1955 the instructor in medical and surgical nursing resigned. Her work has been carried by the other instructors

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since that time; an appointment was made to the position on March 1, 1956, only by appointing the instructor in social studies; this position is now vacant. No qualified instructor is available at this time for operating room nursing, despite the many attempts to fill the position which have been made since August 1955 when the former instructor resigned. The instructor in obstetrics is leaving on April 15. As yet no replacement has been found either for her or for her assistant. The position of assistant has been open since early summer. The instructor in science, who has been with us for 6 years, is leaving on April 10 to be married; although we have been trying to fill the position since November, no appointment has yet been made. Only this morning I received a resignation from the clinical instructor of practical nurse students to take place in June. The director of student activities was appointed temporarily in November 1955 as her husband is a Fulbright professor at Brown University here from England on an exchange basis; she is leaving in June. Meanwhile we have our full complement of students.

The instructors and administrative staff are struggling to maintain standards of nursing education and nursing service for which the hospital and school have long been known. The problem of shortages is nationwide; during the past few months our problems have been most acute. These same shortages occur in our nursing service. maintenance of education, the purpose of which is provision of a high quality of nursing service to patients, is of utmost importance.

As each loss of key personnel further threatens achievement of this aim, we will be most appreciative of anything you can do to assure Mrs. Chang's remaining with us. She is currently teaching pharmacology and is giving individualized clinical instructions to the freshmen students in their first days of clinical practice. We are most appreciative of your help in this matter.

Very sincerely,

MARY C. BRENNAN,
Director of Nursing.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3258) should be enacted.

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Calendar No. 2498

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2464

JELENA SIMICEVIC

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3354]

The Committee on the Judiciary, to which was referred the bill (S. 3354) for the relief of Jelena Simicevic, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Jelena Simicevic. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 31-year-old native and citizen of Yugoslavia who entered the United States on December 15, 1955, at New York, N. Y. as a visitor. She is unmarried and is presently residing with her brother who is a lawful permanent resident of the United States. Her mother resides in Yugoslavia; her father was killed by the Communists. The beneficiary claims that she is afraid to return to her native land which is under Communist control.

A letter, with attached memorandum, dated May 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3354) for the relief of Jelena Simicevic, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JELENA SIMICEVIC, BENEFICIARY OF S. 3354

The beneficiary, who was born on November 16, 1924, is a native and citizen of Yugoslavia. She is unmarried and resides in St. Paul, Minn. She has no income and no assets and is dependent for her support on her brother, with whom she lives.

The beneficiary's only relatives in the United States are her brother, Zivojin Simicevic and his minor son, Alexander, both of whom are permanent residents in the United States. Her mother resides in Yugoslavia. The beneficiary graduated from a teachers college in Yugoslavia in 1946, taught school in that country from 1946 to 1948, and from 1948 until her departure for the United States was employed as a bookkeeper for the city of Belgrade.

The beneficiary last entered the United States on December 15, 1955, at New York, N. Y., as a temporary visitor for pleasure. Her entry document is endorsed by the American consul in Belgrade showing that prior to entry she signed a statement to the effect that she would not attempt to change her visa status while in the United States to that of an immigrant. There is presently pending an application for adjustment of beneficiary's status to that of a permanent resident which she submitted on February 29, 1956. Private bill H. R. 10015, 84th Congress, introduced in her behalf, is pending.

The beneficiary of this bill is also the beneficiary of S. 3390, 84th Congress.

Senator Edward J. Thye, the author of the bill, has submitted the following letter in connection with the case.

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D. C., May 22, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee,
United States Senate, Washington, D. C.

DEAR SENATOR. On March 5, 1956, I introduced S. 3354, for the relief of Jelena Simicevic. I am writing you to furnish your committee with information on Miss Simicevic, and to express the hope at the same time that your committee will be able to favorably consider the bill within the near future.

Miss Simicevic was born November 16, 1924, of Serbian nationality. Prior to her entrance into the United States, she resided in Belgrade, Yugoslavia. She is presently in the United States visiting her brother, Zivojim Simicevic, 112 York Avenue, St. Paul, Minn. Her brother entered the United States in 1951 as a displaced person, and he is in the process of becoming a United States citizen.

From the information I have received, it appears Miss Simicevic is fearful of returning to Yugoslavia because of probable incarceration by the Communist government. Her father was a Yugoslav Army officer in the First World War, and he served in the Yugoslav Army until 1938. In 1942, the Communists seized Miss Simicevic's father at their home; he was forcibly removed and within a week the family received a report that the father was dead. Miss Simicevic's brother, who presently lives in St. Paul, Minn., was captured during World War II by the Germans while fighting with the Yugoslav forces. He was liberated in Germany by the Eighth Army, but did not return to Yugoslavia because of his family's warning that he would be seized by the Communist government. He, therefore, became a displaced person, and as I have already stated, he entered the United States as such in 1951.

I cite these facts about Miss Simicevic's family to indicate the nature of her fear of returning to Yugoslavia, which actually is the basis for my introduction of S. 3354. If she is not granted haven in the United States, she intends to seek any avenue possible to avoid a return to Yugoslavia. Miss Simicevic comes to me highly recommended by those who have come to know her since she was reunited with her brother in St. Paul. I have been assured that she is of high moral character and integrity; that she is sincerely desirous of becoming a United States citizen; and, particularly, that she would become a worthwhile citizen of our Nation.

I hope your committee will approve S. 3354.

Sincerely yours,

EDWARD J. THYE,
United States Senator.

Senator Hubert H. Humphrey has introduced in the Senate S. 3390 for the relief of the same beneficiary. Inasmuch as the committee is reporting the instant bill favorably, the bill S. 3390 will be indefinitely postponed.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3354) should be enacted.

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Calendar No. 2499

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2465

HEWEY MALACHI MACKEY

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3358]

The Committee on the Judiciary, to which was referred the bill (S. 3358) for the relief of Hewey Malachi Mackey, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Hewey Malachi Mackey. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 24-year-old native of Nassau, Bahamas, who entered the United States on September 9, 1953, as a visitor. His parents are deceased and he is unmarried. He registered under the Universal Military Training and Service Act and volunteered for immediate induction and was inducted February 9, 1954. On February 16, 1956, he was released from active duty as staff sergeant and transferred to the Army Reserve, but was ordered back to active duty March 21, 1956, with his consent.

A letter, with attached memorandum, dated May 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3358) for the relief of Hewey Malachi Mackey, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Miami, Fla., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the Bahamas subquota of the quota for Great Britain.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HEWEY MALACHI MACKEY, BENEFICIARY OF S. 3358.

The beneficiary has testified that he was born on March 2, 1932, in Nassau, Bahamas, and that he has never been married. His temporary residence in the United States is in care of his cousin, Amanda Knight, 420 Northwest Seventh Avenue, Fort Lauderdale, Fla. Prior to coming to the United States he was a student for 2 years at St. Johns College, Nassau, Bahamas. In his spare time he worked as a houseboy and cook. At the time the beneficiary was interviewed he was unemployed. However, he stated that he had assets consisting of approximately $1,700 in a bank account, an automobile valued at $1,300 and a one-third interest in 120 acres of land in Nassau, Bahamas. His brother, sister, and a half brother reside in Nassau, Bahamas. His parents are deceased.

The beneficiary was admitted to the United States on September 9, 1953, as a temporary visitor. He was granted extensions of his temporary admission, the last of which expired on March 1, 1954. Deportation proceedings were instituted against him on April 4, 1956, on the ground that he had failed to comply with the conditions of his temporary admission. The outcome of these proceedings has not yet been determined.

On January 4, 1954, the beneficiary registered under the Universal Military Training and Service Act at the local board No. 44 in Fort Lauderdale, Fla., and volunteered for immediate induction. A member of that local board has stated that the beneficiary would not have been permitted to register if that board had had knowledge that the beneficiary was admitted to the United States as a temporary

visitor. The beneficiary was inducted into the United States Army on February 9, 1954, and on February 16, 1956, he was released from active duty with the grade of staff sergeant and transferred to the Army Reserve to complete 8 years' service under the Universal Military Training and Service Act. By official military orders dated March 21, 1956, he was, with his consent, ordered back to active duty with instructions to report to the 3432 SU Reception Station, Fort Jackson, S. C., on April 2, 1956.

Senator Spessard L. Holland, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON AGRICULTURE AND FORESTRY,
March 13, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: On March 5 I introduced S. 3358, a bill granting permanent residence to Hewey Malachi Mackey.

Mr. Mackey, a citizen of Nassau, Bahamas, entered the United States on a temporary entry permit at West Palm Beach, Fla., as a visitor on September 9, 1953, and his permit was later extended to cover the period ending March 1, 1954. While visiting with relatives in Fort Lauderdale, Mr. Mackey was drafted into the Army on February 9, 1954, and served honorably until February 16 of this year.

Mr. Machey desires to reenlist in the Regular Army; however, as his present status is that of an alien, current regulations prohibit his reenlistment unless his declaration of intention for obtaining American citizenship is acted upon, which of course he cannot do because he is not a permanent resident of the United States, although I understand he has attempted to gain his American citizenship through the several agencies, as set forth in an enclosure to this letter.

You will readily see, from the attached papers, that he has had an excellent record of Army service—one which I believe speaks for itself. At the time of his separation, even in peacetime, at the end of 2 year's service as a draftee he held the rank of technical sergeant; and a letter signed by 1st Lt. John H. Rohrer, which I enclose, states the services of this former noncommissioned officer are desired by the Department of the Army.

I firmly believe that he is worthy of the passage of this legislation I have introduced, and it is my fervent hope that the committee will take speedy action to grant permanent residence to him. I further hope that after the passage of this bill, the Army will allow him to reenlist at the grade he held at the time of his separation.

For the information of the committee I enclose the following:

1. Copy of a letter dated March 29, 1955, signed by 1st Lt. Lewis S. Howard.

2. Letter dated February 16, 1956, signed by Lt. Col. John H. Carter.

3. Letter dated February 17, 1956, signed by 1st Lt. John H. Rohrer.

4. Copy of report of separation from the Armed Forces of the United States of Hewey Malachi Mackey.

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If I may be of any assistance to you or the committee in the consideration of this measure, please let me know.

With kind regards, I remain

Yours faithfully,

SPESSARD L. HOLLAND.

HEADQUARTERS 3D INFANTRY DIVISION,
OFFICE OF THE STAFF JUDGE ADVOCATE
Fort Benning, Ga., March 29, 1955.

UNITED STATES CONSULATE,
Nassau, Bahama,
British West Indies.

GENTLEMEN: Corporal Hewey Malachi Mackey, US53183341, Headquarters and Service Battery, 39th Field Artillery Battalion (Provisional), 3d Infantry Division, Fort Benning, Ga., has contacted this office in regard to the procedure for securing American citizenship.

The following facts are submitted for your consideration:

Corporal Mackey was admitted to the United States on a temporary entry permit at West Palm Beach, Fla., as a visitor on September 9, 1953. It was extended for 3 months to March 1, 1954. Mackey is in possession of British passport No. 37665 and American visitors permit No. V–439745. His British passport expires on August 26, 1958. The nonimmigration visa stamped on his British passport by your office expires on August 31, 1955. His home address in the Bahamas is St. Anne Hill, Nassau, Bahama. He is 23 years old, 6 feet 1 inch tall, has black hair, brown eyes. His nationality, British; race, Negroid; sex, male; marital status, single.

Corporal Mackey was drafted into the United States Army on February 9, 1954, at Miami, Fla., and has served honorably since that date. He is most anxious to apply for American citizenship under the provisions of section 329, Immigration and Nationality Act of 1952 as implemented by Public Law 86, enacted in 1953. In order for him to take advantage of the cited laws it will be necessary for him to file his application for citizenship prior to December 31, 1955. Mackey has stated to me that he completed nearly 3 years of college in Nassau and intends to study for the ministry in this country after his release from the Army at the completion of his 2-year tour of duty.

As I am sure you are aware, it will be necessary for Corporal Mackey to be admitted to this country for permanent residence before he can apply for citizenship under the stated laws. He has informed me that he has written your office on four prior occasions but has received no information concerning this question. He wishes to know what action is required on his part in order to be admitted for permanent residence. If it can be handled by your office in his absence, he respectfully requests that you do so for him.

Corporal Mackey impresses me as an unusually high type individual and is most sincere in his desire to become an American citizen. Any information or consideration which you may be able to provide him would be very much appreciated. Please direct any correspondence to Corporal Mackey at the military address set out in the first paragraph.

Sincerely yours,

LEWIS S. HOWARD,
First Lieutenant, JAGC, Legal Assistance Officer.

HEADQUARTERS 39TH FIELD ARTILLERY BATTALION
(PROVISIONAL),
Fort Benning, Ga., February 16, 1956.

To Whom It May Concern:

This is to introduce Hewey M. Mackey, a former sergeant, United States Army. Mr. Mackey was recently honorably discharged from the service at the expiration of his voluntary induction. He is desirous of reenlisting in the Regular Army; his present status is that of an alien. Current regulations prohibit his reenlistment unless his declaration of intention for obtaining American citizenship is acted upon by the Federal district court in Atlanta, Ga. He has attempted to gain his American citizenship through the following agencies: Staff Judge Advocate, October 16, 1954; Immigration Section, Atlanta, Ga., January 1955; Immigration Section, Atlanta, Ga., April 1955; Immigration Section, Washington, D. C., August 1955; American Consulate, Nassau, Bahamas, December 1955; and the Atlanta Federal district court, February 1956.

I have known this individual since October 1954. He has served as a member of my battalion, and I have observed him on a close, daily contact basis. He is extremely loyal, alert, punctual, and dependable. He is honest, maintains a high code of ethics and his personal habits are of the highest quality.

Mr. Mackey has proven to be more than capable of upholding the responsibilities of citizenship. He has further demonstrated his desire for citizenship by his distinguished military service.

JOHN H. CARTER,
Lieutenant Colonel Artillery, Commanding.

BATTERY A,
39TH FIELD ARTILLERY BATTALION (PROVISIONAL),
Fort Benning, Ga., February 17, 1956.

Subject: Letter of acceptance.

To Whom It May Concern:

1. Mr. Hewey M. Mackey has expressed a desire to reenlist in the Regular Army to fill his own vacancy in the 39th Field Artillery Battalion.

2. A TO&E vacancy exists in grade and MOS and the services of subject individual are desired.

3. This office has in no way solicited the services of this individual.

JOHN H. ROHRER,
First Lieutenant, Artillery, Commanding.

The committee, after consideration of all the facts in the case, is the opinion that the bill (S. 3358) should be enacted.

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Calendar No. 2500

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2466

PAUL YEN-HSIUNG FENG AND HIS WIFE, MARY STELLA PAO-CHING FENG, AND THEIR MINOR CHILD, JOSEPH SHAO-YING FENG

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3370]

The Committee on the Judiciary, to which was referred the bill (S. 3370) for the relief of Paul Yen-Hsiung Feng and his wife, Mary Stella Pao-Ching Feng and their minor child, Joseph Shao-Ying Feng, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Paul Yen-Hsiung Feng and his wife, Mary Stella Pao-Ching Feng, and their minor child, Joseph Shao-Ying Feng. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 29-year-old husband, his 30-year-old wife, and 8-year-old son, all natives and citizens of China. The husband and wife entered the United States as students June 6, 1950, and the child as a visitor. The husband's status was changed to that of an exchange visitor at the suggestion of Washington University authorities. The principal beneficiaries also have two United States-citizen children and the family resides in Chicago, Ill., where the father is employed as a nuclear physicist at Armour Research Foundation. He has a doctor of philosophy degree in radio chemistry and his wife has a bachelor of arts degree. Information is to the effect that the husband is an outstanding scholar and has had much experi-

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ence and advanced training in the fields of nuclear physics and chemistry.

A letter, with attached memorandum, dated May 21, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 21, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3370) for the relief of Paul Yen-Hsiung Feng and his wife, Mary Stella Pao-Ching Feng, and their minor child, Joseph Shao-Ying Feng, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fees. It would also direct that the required numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PAUL YEN-HSIUNG FENG AND HIS WIFE, MARY STELLA PAO-CHING FENG, AND THEIR MINOR CHILD, JOSEPH SHAO-YING FENG, BENEFICIARIES OF S. 3370

The beneficiaries, Paul Yen-Hsiung Feng, also known as Yen-Hsiung Feng, and his wife, Mary Stella Pao-Ching Feng, also known as Pao-Ching Pai or Stella Pao-Ching Pai, and their minor child, Joseph Shao-Ying Feng, also known as Shao-Ying Feng, natives and citizens of China of the Chinese race, were born on August 28, 1926, November 27, 1925, and June 21, 1948, respectively. The adult beneficiaries were married on October 3, 1947, in China. Their two other children are United States citizens. The family group resides at 3100 South Michigan Avenue, Chicago, Ill.

The male beneficiary is employed as a nuclear physicist by the Armour Research Foundation, Chicago, Ill. The female beneficiary is not employed outside the home. The male beneficiary was awarded a doctor of philosophy degree in radio chemistry and the female beneficiary a bachelor of arts degree by Washington University, St. Louis, Mo. Mr. Feng earns $8,400 a year. They have personal property valued at $5,000. Mr. Feng's widowed mother and his

brother reside in China. A sister resides in the United States. Mrs. Feng's parents reside in China.

The adult beneficiaries entered the United States as students at Laredo, Tex., on June 6, 1950. The minor beneficiary entered with them as a visitor. Mr. Feng's status was changed from a student to that of an exchange visitor on March 9, 1951. Mrs. Feng's status was changed from a student to that of a visitor on August 28, 1951. The beneficiaries were granted extensions of stay to June 30, 1954. Deportation proceedings were instituted on April 23, 1956, on the ground that they had remained in the United States longer than permitted. The special inquiry officer granted them voluntary departure with the provision that, if they failed to depart when and as required, they be deported.

The male beneficiary has had no milltary service. He registered under the Universal Military Training and Service Act, at Chicago, Ill., on May 2, 1956.

Senator Paul H. Douglas, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON FINANCE,
May 24, 1956.

Re S. 3370.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR EASTLAND: I am pleased to submit the attached information in support of the above-named bill in order that your committee may be fully advised when consideration is given to this measure.

The beneficiaries of S. 3370 are citizens of what is now Communist China and entered the United States in June 1950. Dr. Feng entered with a student's visa and his wife and minor son accompanied him as visitors.

In March 1951 Dr. Feng was transferred from the status of a student to that of exchange visitor at the suggestion of the authorities at Washington University, St. Louis, Mo., where he was enrolled. He was not informed that a condition of the transfer was that he could never apply for permanent residence in this country.

At the present time Dr. Feng is working on the nuclear reactor program at the Armour Research Foundation of the Illinois Institute of Technology as an associate physicist, engaging in many matters extremely beneficial to the national defense. I am attaching a letter from Dr. Feng which outlines in more detail the type of vital research in which he is engaged.

Dr. Feng is an outstanding scholar and has had the advantage of advanced training in the fields of nuclear chemistry and nuclear physics. He is currently leading nonclassified research projects which are expected to contribute greatly to our defense, and he is working in a manner showing the highest degree of competence. The foundation is severely handicapped in not being able to utilize Dr. Feng's

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full capabilities in many problems, knowledge of which is restricted to United States citizens. This is considered a serious loss to both the foundation and to the United States.

We are all aware that we are falling behind in the production of good scientists and engineers at a rate to equal the demand and to assure the adequate protection of our country, and I feel certain that to permit Dr. Feng, his wife and child to remain in this country with their two United States citizen children, would be to the advantage of this country and its technological program.

I sincerely believe that S. 3370 merits the favorable consideration of your committee and I hope that this measure will be reported in the very near future.

With kind regards,

Faithfully,

PAUL H. DOUGLAS.

ARMOUR RESEARCH FOUNDATION,
OF ILLINOIS INSTITUTE OF TECHNOLOGY,
Technology Center, Chicago, Ill.

Hon. PAUL H. DOUGLAS,
Chicago, Ill.

DEAR SENATOR DOUGLAS: This letter will serve as a statement in support of my request on behalf of myself, Paul Yen-Hsiung Feng, my wife, Mary Stella Pao-Ching Feng, and my oldest son, Joseph Shao-Ying Feng, for legislative relief from deportation and for permanent residence in the United States.

I am presently in this country on an exchange visitor's visa, the last extension of which expires on December 31 of this year. Under the present circumstances I am unable to retain my exchange visitor status since Armour Research Foundation, where I am employed, has no exchange visitor program. I have been advised that under the law and regulations thereunder I have no possible way of remaining in this country as a permanent resident without first returning to the country from which I came. Since I am a citizen of Nationalist China and my home was in Peiping and Shanghai, China, you can understand that I am not only reluctant, but that it would be virtually impossible for me to return.

I am presently employed, as a permanent member of the staff, at the Armour Research Foundation of the Illinois Institute of Technology as an associate physicist and I am presently working on many matters extremely beneficial to the national defense of the United States. Needless to state, I am extremely happy in my job and my wife and two children enjoy living in Chicago and wish very much to make it our permanent home. We are beholden more than words can state to this country for the opportunity it has given us, both in terms of furthering my education and in terms of permitting us to live a life of enjoyment and freedom. Therefore, you can understand why we want so desperately to remain here and to become a citizen of the United States.

By way of background in support of my statement, I should like to outline briefly the salient facts concerning my life and my career.

I was born in Peiping, China, on August 29, 1926, and received my elementary and secondary education in the schools of Waichiapoo and Yuying, both in Peiping. I received the degree of bachelor of science

in chemistry from the Catholic (Fu-Jen) University, Peiping, China. During my entire scholastic career in China, I was in the top 10 percent of my class.

My wife was a classmate of mine in the department of chemistry of the Catholic University and we were married after graduation in 1947. Originally we lived happily with my grandparents in Peiping, and I was working for my M. S. degree in the graduate school of the National Peking University. However, because our family was known to be strongly against the principles as well as actions of the Communists, it became mandatory for us to leave Peiping in the winter of 1948 when the Communists were approaching the city. We traveled through Shanghai, Canton, Hong Kong, Mexico, and finally to the United States. As a result of the hardship of the trip and old age, my grandmother died in Canton, China, and my grandfather died in Torreon, Mexico.

In June of 1950 my wife, my oldest son and I came to the United States to further my graduate education. I came as a Chinese Nationalist (original passport No. S 38–5109), on a student visa (4 E) (immigration visa No. 1251 issued by the American consul of Mexico City) and visitor's permit No. 1127457 under the sponsorship of the Institute of Chinese Culture, Washington, D. C. My original plan was to attend the University of Alabama, but I learned that it did not offer the Ph. D. degree in my field and so I enrolled, during the summer term of 1950, as a graduate student in chemistry at Washington University, St. Louis, Mo.

In March of 1951, I was transferred from the status of a student to exchange visitor, pursuant to section 201 of the United States Information and Educational Exchange Act of 1948 and assigned to project No. P–153 at Washington University. I was informed at the time by the University authorities that such a transfer would be desirable, since my student visitor visa would soon expire and that it would be easier on the official procedures for me to be employed by Washington University as an exchange visitor than as a student visitor. I was not informed, however, that a necessary condition of transferring to the exchange visitor status was that I, at no time, would apply for permanent residence in this country. Had I been so informed I would certainly not have assented to making the transfer since, as I understand it, a student visitor is not governed by the same conditions and may, in fact, make application for permanent residence. I have held the status of exchange visitor from such time to the present and have obtained valid extensions each year.

While at Washington University I held a number of part-time appointments: e. g., graduate assistant and research assistant in the department of chemistry; research chemist in the Army Signal Corps program in the department of geology; and assistant in an Atomic Energy Commission research project. I was certified for and received supplemental aid (by way of limited grants-in-aid) through the Chinese Assistance Section of the United States Department of State for the school years 1951–52 and 1952–53.

While at Washington University two children, Dorothy and Alphonso, were born and are, by virtue of their birth in this country, American citizens. On June 9, 1954, I was awarded the Ph. D. degree in chemistry by Washington University. My study at Washington University was characterized by a highly creditable record

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despite extreme financial hardship. I had no grade lower than B and I made more of the highest A's than anyone else in my class. All this time it was necessary for me to work, on the average, more than 30 hours a week to support my family.

Since leaving the university I joined (together with one of my professors in geology) the Manu-Mine Research & Development Co., Reading, Pa., where I rose from the position of chemist to that of technical director of both Manu-Mine and its subsidiary the American Testing Laboratories, Inc., Lancaster, Pa. In addition, in order to further my technical knowledge and experience, I worked evenings and weekends at my now expense at the University of Pennsylvania under Prof. C. C. Price. In June 1955 I came to Chicago and assumed my present post on the nuclear reactor program at the Armour Research Foundation.

My file was at the Immigration Service office, Philadelphia, Pa., but as yet has not been transferred to the office in Chicago although I have made several requests that this be done.

I have attached the following documents to this letter in support of my request for legislative relief:

1. Certificates of absence of police records with respect to myself and my wife from the police departments of St. Louis, Mo.; Reading, Pa.; Lancaster, Pa.; and Chicago, Ill.

2. Letters of recommendation from the following poeple:

(*a*) Dr. Carl Tolman, vice chancellor and dean of faculties, Washington University, St. Louis, Mo.

(*b*) Mr. Arno J. Haack, dean of students and coordinator of educational exchange, Washington University, St. Louis, Mo. (together with summary statement).

(*c*) Dr. Joseph W. Kennedy, chairman of the deparment of chemistry, Washington University, St. Louis, Mo.

(*d*) Dr. Arthur B. Cleaves, professor of geology, Washington University, St. Louis, Mo.

(*e*) Mr. F. W. Myers, office manager, Manu-Mine Research & Development Co., Reading, Pa.

(*f*) Dr. Charles C. Price, director, John Harrison Laboratory of Chemistry, University of Pennsylvania, Philadelphia, Pa.

(*g*) Rev. R. J. O'Donnell, pastor, St. Margaret's Rectory, Reading, Pa.

(*h*) Dr. J. T. Rettaliata, president, Illinois Institute of Technology, Chicago, Ill.

(*i*) Dr. H. A. Leedy, director, Armour Research Foundation of Illinois Institute of Technology, Chicago, Ill.

(*j*) Dr. R. F. Humphreys, manager of physics research, Armour Research Foundation of Illinois Institute of Technology, Chicago, Ill.

(*k*) Dr. L. Reiffel, supervisor of nuclear physics, Armour Research Foundation of Illinois Institute of Technology.

(*l*) Very Rev. Msgr. Francis I. Lavin, pastor, St. James Church, Chicago, Ill.

At the present time my work at Armour Research Foundation includes, among other things, my being project leader for the study of rapid and continuous methods for leak detection in heat exchangers used in the plants at Camp Detrick, Frederick, Md. This project involves methods which could substantially improve safety and efficiency in the operation of a critical plant in the field of biological

warfare. My research work in this project requires knowledge in instrumentation as well as in the various fields of radio-chemistry, organic chemistry and physical chemistry.

In addition, I am working at the present time on the unclassified aspects of the PWR (pressurized water reactor) power plant near Pittsburgh, Pa., operated jointly by the Atomic Energy Commission, Westinghouse Electric Co., and Duquesne Light Co. Because the PWR plant is the first plant using nuclear reactor for full scale production of power, it is obvious that research connected with this program is of the highest importance for the better utilization of nuclear energy.

I believe the accompanying documents bear out the fact that I have made a good record in the educational and industrial institutions with which I have been connected. I believe, by virtue of my education and experience, that I can contribute significantly to the defense program of the United States, in particular, and to the welfare of the country generally. I think my family and I have demonstrated our capacity to integrate into the American community and have shown, at each of the places where we have lived, our ability to cooperate and to get along with friends, neighbors, and colleagues.

The technical competence I have achieved by education and experience I should like to put in the service and to the use of the United States of America. I would never be willing to go back—and I would resist it strenuously—to Communist China to use my knowledge and experience in its behalf. For this reason, the philosophy underlying the requirement of exchange visitors returning to their homelands in order to impart to the people there the benefits of an American education is completely vitiated in my case. Certainly the framers of the Information and Educational Exchange Act of 1948 did not contemplate its use to aid a Communist nation. To require me to go back under these circumstances seems to me a perversion of the intended philosophy of the act and an ironic twist of fate.

I sincerely hope you can obtain passage of a private bill granting permanent residence to myself, my wife, and my oldest son. I can never adequately express the gratitude of me and my family to you and we can repay you only by being loyal, constructive and informed citizens of the United States and by contributing in every way we can to its continued prosperity and welfare.

Yours very truly,

PAUL YEN-HSIUNG FENG.

ARMOUR RESEARCH FOUNDATION
OF ILLINOIS INSTITUTE OF TECHNOLOGY,
TECHNOLOGY CENTER,
Chicago, December 13, 1955.

Hon. PAUL H. DOUGLAS,
Chicago, Ill.

DEAR SENATOR DOUGLAS: Dr. Paul Yen-Hsiung Feng, an associate physicist of the nuclear physics section, is now making application for permanent residency and eventual citizenship in the United States. As the supervisor of the nuclear physics section, I have worked with Dr. Feng daily and I am most pleased to add my support to his application.

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Dr. Feng joined the nuclear physics group in June of this year as the radiochemist in charge of our operations in nuclear chemistry and will be directly responsible for the chemical work associated with the ARF nuclear reactor. He was most highly recommended by his professors and his performance here so far has exceeded our expectations. He is currently leading nonclassified research projects which will contribute greatly to the defense of the United States and has been working in a manner showing the highest degree of competence.

I am impressed by his ability to solve technical difficulties and his profound knowledge in the several fields of the physical sciences. On the other hand, the foundation is severely handicapped in not being able to utilize Dr. Feng's full capabilities in many problems, knowledge of which is restricted to United States citizens. I consider this a serious loss to both the foundation and to the United States.

I am acquainted with all members of Dr. Feng's immediate family and I am convinced of their loyalty and their qualifications to become good citizens of this country. It is my belief that it would be greatly to the advantage of the United States to grant Dr. and Mrs. Feng permanent residency and eventual United States citizenship.

Sincerely yours,

L. REIFFEL,
Supervisor, Nuclear Physics.

WASHINGTON UNIVERSITY,
St. Louis, December 2, 1955.

Hon. PAUL H. DOUGLAS,
Chicago, Ill.

DEAR SENATOR DOUGLAS: The attached material is my summary statement in support of the request of Mr. Paul Yen-Hsiung Feng for special consideration as an applicant for citizenship. It summarizes our long and very favorable experience with him at Washington University.

We will greatly appreciate any assistance you can give him in expediting the adjustment of his status which we believe he so thoroughly merits.

Sincerely,

ARNO J. HAACK,
Dean of Students and Coordinator of International Educational Exchange.

WASHINGTON UNIVERSITY,
St. Louis, Mo.

STATEMENT IN SUPPORT OF APPLICATION FOR PERMANENT RESIDENT STATUS BY PAUL YEN-HSIUNG FENG, HIS WIFE MARY STELLA PAO-CHING FENG

Statement of the problem

Dr. Paul Yen-hsiung Feng, who is well known to us as a student and graduate of Washington University, is seeking for himself and his family permanent residence in the United States. He has been advised by the Immigration Service that his application for such status stands little chance because of the heavily oversubscribed Chinese quota and that the most practical way to gain residency, and eventually citizen-

ship, would be by a special act of Congress. This observation is borne out by our limited experience, even though he were to be given preferential consideration to which his special scientific competence in an area where his services are needed were fully certified.

Those of us in the university who know him personally, who know his competence as a chemist and his potential value to the work in his field in this country, are prepared to support his application through the normal channels or as a case deserving special consideration based on the record as outlined below:

Background facts:

Paul Feng accompanied by his wife and one child entered the United States of America, June 1950, via Mexico entering at Laredo, Tex. Their home prior to departure was Shanghai, China. His transcript indicated award of the B. S. degree from the National Catholic University of China. His status was that of a Chinese citizen, Nationalist passport No. J 38–5109.

He entered on a student visa (4–E), immigration file No. A 7805959, under the sponsorship of the Institute of Chinese Culture, Washington, D. C.

At the time of entry he planned to attend the University of Alabama, but on learning that they did not offer a Ph. D. program he enrolled in Washington University, St. Louis, Mo., as a graduate student in chemistry beginning his work in the summer term, 1950.

He was transferred from student to exchange visitor (nonimmigrant "Ex", March 1951) status (sec. 201) on the Washington University project No. P–153, which status he maintained until his graduation.

He held a number of part-time appointments from the university through his student period; as graduate assistant and research assistant in the department of chemistry; as assistant in the Geology-Army Signal Corps program; as assistant in the sponsored research program of the school of engineering.

He was certified for and received supplemental aid through the Chinese Assistance Section of the Department of State for the school years 1951–52 and 1952–53.

Two children were born during the period of his attendance at Washington University and are by virtue of their birth here American citizens.

He qualified for and was awarded the Ph. D. degree in chemistry by Washington University, June 9, 1954.

After leaving the university he was appointed technical director of both the Manu-Mine Research & Development Co., Reading, Pa., and its subsidiary, the American Testing Laboratories, Inc., Lancaster, Pa. Since June 1955 he has been with the Armor Research Foundation of the Illinois Institute of Technology, Chicago.

His file in the Immigration Service was transferred from St. Louis to Chicago, December 3, 1954. He will presumably be continued temporarily on the exchange visitor (nonimmigrant "Ex") visa with three 6-month extensions for "practical training," the limit of the discretion allowed the service under their regulations. At best he can then remain in legal status no longer than December 1955. After this time, unless action is taken on permanent status, he will have to leave the country or remain in violation of his visa (which for Chinese is now allowed), but which illegal status is likely to operate against him in any normal hearing on permanent status after that date.

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Observations based on experience with him in the 4-year residence in St. Louis

Those of us who worked closely with Paul Feng understood from the beginning of his stay here that he did not intend to return to the Chinese mainland. This was borne out by the fact that he had managed to bring his wife and child with him, by statements made by him and by his wife, and by their conscious attempt to identify with the culture patterns in this community. Records of the Immigration Service will show that he made request for permanent status as early as September 20, 1951.

His record with us is excellent. He did outstanding work as a graduate student in spite of an almost impossible workload. With the exception of a few very limited grants-in-aid, he supported himself and his family, maintained a high academic standard, and made a substantial contribution to university research projects.

Both Dr. Feng and his family have demonstrated their capacity to fit into the American community and to make a contribution to it. He has shown in addition to his competence as a scientist, an ability to work as a member of a cooperative team.

We have seen nothing in his attitude or behavior which would raise any question as to his potential loyalty to the United States. On the contrary he has consistently expressed stroug distaste for the current developments in his own country to the point of a clear determination not to return.

We have never seen this attitude waver, even at times when his difficulties here seemed insurmountable. In addition to constant financial worries he had his share of the irritations which our regulations often impose in cases like his. As a nonresident alien his small stipends were subject to a mandatory 30-percent withholding tax. For 2 years he was taxed as a single individual, claims for exemption for his wife and children being disallowed, until on appeal he was finally placed in "resident alien" status by Internal Revenue. His repeated inquiries through the Immigration Service on the question of gaining permanent status were answered by the statement that under existing conditions that possibility was remote.

Summary

It is our judgment that Dr. Feng's request for permanent status in this country is sincere and is strongly supported by his record and by his personal qualifications.

Relief from his present status is certainly indicated. As a scientist he would not be permitted to return to his own country under our existing regulations even should he desire to do so. Apart from the technicality of a Nationalist Chinese passport, which now means Formosa which is not his home, he is in reality a displaced person. His present indeterminate status will impose a tremendous handicap, if not actually jeopardize, the continued use of his professional services in this country where they are desired and needed.

ARNO J. HAACK,
Dean of Students and Coordinator of International Educational Exchange.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3370) should be enacted.

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Calendar No. 2501

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2467

VINCENT LEE LAO

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3440]

The Committee on the Judiciary, to which was referred the bill (S. 3440) for the relief of Vincent Lee Lao, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Vincent Lee Lao. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 30-year-old native of the Philippines and citizen of China who last entered the United States at Chicago, Ill., August 24, 1949, as a student. He is a graduate of Cebu Institute of Technology in the Philippines and attended the University of Wisconsin and Milwaukee School of Engineering, receiving a Bachelor of Science in mechanical engineering. He is presently employed as an engineer in Baltimore, Md., by a firm of consulting engineers.

A letter, with attached memorandum, dated May 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3440) for the relief of Vincent Lee Lao, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Baltimore, Md., office of this Service, which has custody of that file.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE VINCENT LEE LAO, BENEFICIARY OF S. 3440

The beneficiary, who is also known as Ching Siong Lao, is a citizen of China. He was born on April 19, 1926, in Cebu, Philippine Islands. He is single and resides in Baltimore, Md. His father, stepmother and brother reside in the Philippine Islands. The beneficiary completed elementary school, attended the Cebu School of Arts and Trades, and the Cebu Institute of Technology in the Philippine Islands. He entered the United States in 1949 and attended the Milwaukee School of Engineering and the University of Wisconsin, where he received the degree of bachelor of science in mechanical engineering.

The beneficiary was employed by the De Leuw Cather Co., consulting engineers, Chicago, Ill., as an engineer from October 1954 to August 1955. He is presently employed in such capacity by Green Associates, Inc., at Baltimore, Md., at a salary of $480 monthly. He has cash savings of $1,600 and an automobile valued at $600.

The beneficiary was admitted to the United States at Chicago, Ill., on August 24, 1949, as a nonimmigrant student. He failed to maintain his nonimmigrant status and deportation proceedings were instituted against him. Such proceedings are now pending.

Senator J. Glenn Beall, the author of the bill, has submitted the following information in connection with the case:

BALTIMORE, MD., *March 18, 1956.*

Hon. J. G. BEALL,
United States Senate,
Washington, D. C.

DEAR MR. BEALL: I received the copy of the private bill you introduced to the United States Congress on my behalf, and want to thank you most sincerely for this. Although there are many obstacles to overcome before it can be passed, I am confident that my case will be worthy of consideration.

I am taking this opportunity to tell you more about myself and my reason for wanting to stay in the United States, hoping that you will get to know and understand me better and thus may be able to help me to the utmost.

I was born on the island of Cebu, Philippines, and came to the United States in 1949 to pursue my studies in various engineering fields with the hope that some day I could put my share of "know-how" into the industrialization of China to help raise the standard of living there. Unfortunately the Communists have taken over the land of my dreams not long after I came to America. For my practical purpose, nothing should prevent me from going ahead with my plans, yet, it is also my conviction that material progress alone (in which the Communists believe) does not cure all the ills in society. Therefore I have to postpone my plans, if ever I will have a chance to carry them out. When? This will depend upon how the American-Chinese (Communist) relationship develops. It may take at least 10 more years, assuming that during the Geneva Conference the good seed has already been sown in the hearts of most Communist leaders.

The natural question for someone to ask me might be: Why not go back to the Philippines?

In the first place, considering the kind of work for which I am most qualified now (at present I am working with Green Associates, Inc., of Baltimore in the design of modern expressways), there is very little opportunity for me to be of much help there since the country is composed of small islands and does not have highway problems.

Secondly, it is commonly known that the Philippine government is not very favorable toward the Chinese, and this will limit my opportunity to improve myself as well as to serve. However, all the above plans and reasons are less important than what I thought of lately.

First, I should be able to stay in the United States since my professional services are greatly needed. Secondly, I will have more opportunity to develop my capabilities, and thirdly, once I become an American citizen and have gained advanced knowledge and good reputation, I shall be in a better position to offer my services to this country as well as to the world.

Assuming that I have said all about myself in the above statement, these are just my words against circumstances. A person once told me "intentions do not mean a thing." This person might be right if the statement stands without background. However, one has to consider the past and the present to justify a person's intention in the future. We all know that many good things in this world have been done because of people with good intentions. Also I believe in the power of God over my life and whatever has happened or will happen in my life shall be according to His will.

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Knowing your busy schedule, I hope I am not imposing too much on you by this long letter.

Thank you again and my best regards to Mrs. Wolfe and Mr. Jenkins.

Very respectfully yours,

VINCENT LAO.

P. S.: I am enclosing a couple of cards which may be good evidence in favor of my case. Also, I would be proud to show, if needed, De Leuw, Cather & Co.'s final report of the Washington Inner Belt Freeway to which I have contributed a fair share of work.

RÉSUMÉ

Name, Lao; first name, Vincent; date of birth, April 19, 1956; birthplace, Sogod, Cebu, Philippines; nationality, Chinese; profession, engineer.

School training

1935–41: Elementary school in Cebu City, Philippines.

1945–48: High school, Cebu School of Arts and Trades, Cebu City, Philippines (auto-mechanic diploma).

1948–49: Cebu Institute of Technology, Cebu City, Philippines.

1949–50: Milwaukee School of Engineering, Milwaukee, Wis. (electro-technician diploma).

1950–53: The University of Wisconsin, Madison, Wis. (bachelor of science in mechanical engineering degree).

Reference: Rev. George (Shorty) Collins, 309 North Mills Street, Madison, Wis.

Work experience

1947–49: Auto-mechanic and radio technician, Cebu City, Philippines.

1952 (summer): Wisconsin Electric Power & Light Co., Port Washington, Wis., reference, Mr. Al Schultz, operating engineer, $1.60 per hour.

1953–54: Graver Tank Manufacturing Co., East Chicago, Ind., (senior draftsman), $350 per month; reference, Mr. Thomas Mueller, chief product engineer.

March–October 1954: Harza Engineering, 400 West Madison Street, Chicago, Ill. (design drafting), $360 per month; reference, Mr. William R. Martin, chief engineer, gate section.

1954–55: Del Leuw, Cather & Co., consulting engineers, 150 North Wacker Drive, Chicago, Ill. (design study, Washington Freeway), $420 per month; reference, Mr. Frank F. Boyce, staff engineer, Washington Freeway.

1955–56: Green Associates, Inc., Baltimore, Md., $480 per month; reference, Mr. Erik Wolf.

GREEN ASSOCIATES, INC., CONSULTING ENGINEERS,
Baltimore, Md., June 8, 1956.

Re Application by Vincent Lee Lao for Citizenship

Hon. J. GLENN BEALL,
Senate Office Building,
Washington, D. C.

DEAR SIR: It is my understanding that a decision may soon be forthcoming relative to Mr. Vincent Lee Lao's application for citizenship. Since Mr. Lao is an employee of this company, he has requested that I transmit an opinion regarding his present and potential value to the United States so that he might be favorably considered for citizenship.

Our records indicate that Mr. Lao has been employed with us for a period of 6 months. His record of interview indicates that he had acquired 3 years of experience with well-known engineering firms and that his position with them was that of junior engineer of design. We felt that his background was such that he would be an asset to our firm and offered him a position with us.

Our company is currently engaged in the design of civil, mechanical and electrical engineering projects, many of which might be considered to be important to the national welfare. As a member of our staff Mr. Lao has participated in a number of these works and although he has yet to acquire the experience which makes for a mature engineer he is in the process of doing so.

It may be of interest to note that Mr. Lao has a degree in mechanical engineering and has been performing civil engineering work. This diversity should be of value to him, provided he is able to spend reasonable time in working with both these spheres of the profession. At the present time he is considered to be a permanent member of our staff and we are hoping that he will be permitted to continue his employment with us as a result of a favorable decision on his petition for citizenship.

Very truly yours,

GREEN ASSOCIATES, INC.,
ALLEN I. GREEN,
Secretary-Treasurer.

GREEN ASSOCIATES, INC., CONSULTING ENGINEERS,
Baltimore 2, Md., May 9, 1956.

To Whom It May Concern:

This is to certify that Mr. Vincent Lee Lao is employed by this company in the capacity of a highway engineer.

Mr. Lao has helped in the design of a number of modern expressways in Maryland, including several involving Federal aid funds.

Any assistance given to Mr. Lao in obtaining his papers for permanent residency in the United States and toward becoming a citizen will be greatly appreciated.

GREEN ASSOCIATES, INC.,
ALLEN I. GREEN,
Secretary-Treasurer.

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DEPARTMENT OF CHRISTIAN FRIENDLINESS,
WOMAN'S AMERICAN BAPTIST HOME MISSION SOCIETY,
CHICAGO BAPTIST ASSOCIATION,
Chicago, Ill., October 8, 1955.

To Whom It May Concern:

This is to certify that I have known Vincent Lao for at least 3 years, and have always known him to be a splendid, helpful Christian gentleman.

In watching his behavior, and in talking with him on many subjects, I find him to be seeking ways of service to mankind, beyond the average plans of the average youth.

It would be a marvelous addition to our citizenry if and when he can enter our country as a permanent resident, looking toward becoming a full-fledged citizen.

Any courtesy shown Mr. Lao in the handling of his immigration matters will be greatly appreciated by me and by his many Christian friends in this city.

Very truly,

ESTHER DAVIS.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3440) should be enacted.

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Calendar No. 2502

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2468

LUCY LIN AND HER MINOR CHILD, PETER LIN

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3487]

The Committee on the Judiciary, to which was referred the bill (S. 3487) for the relief of Lucy Lin and her minor child, Peter Lin, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Lucy Lin and her minor child, Peter Lin. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 40-year-old mother and her 7-year-old son, both citizens of China, who last entered the United States on September 23, 1950, at San Francisco, Calif. They were accompanied by the husband and father, who has since died. He was formerly employed in the American consulate in Formosa. The mother and father were admitted as students, he being destined to Berkeley Divinity School, New Haven, Conn. The principal beneficiary has a bachelor of divinity degree from Yale University Divinity School. She is presently employed by Yale University Christian Association. Testimony is to the effect that her work is very effective, particularly with reference to achieving a better understanding among the various oriental groups.

A letter, with attached memorandum, dated May 29, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 29, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3487) for the relief of Lucy Lin, and her minor child, Peter Lin, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Hartford, Conn., office of this Service, which has custody of those files.

The bill would grant these aliens the status of permanent residents of the United States upon payment of the required visa fees. It also directs that the required numbers be deducted from the appropriate immigration quota or quotas.

The beneficiaries are chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUCY LIN, AND HER MINOR CHILD, PETER LIN, BENEFICIARIES OF S. 3487

Lucy Lin, whose full name is Lucy Tong Keng Lin, a Chinese citizen, was born on September 18, 1915, in Peiping, China. She married Francis Ping Yuan Lin, a Chinese citizen, on December 25, 1947, in Formosa. Her husband died on January 14, 1952, in New Haven, Conn. Her son, Peter Lin, whose full name is Peter Yung Tai Lin, a Chinese citizen, was born on July 29, 1949, in Taipei, Formosa. He is wholly dependent upon his mother for support.

The beneficiaries have resided in New Haven, Conn., since their arrival in the United States. Mrs. Lin is employed by Yale University Christian Association, New Haven, Conn., as a secretary for which she receives $200 per month in salary. In addition, she receives a monthly pension of $29.25 from the United States Government as the result of her late husband's employment by the American consulate in Formosa. She also has an income of $100 per month from rental of property in Formosa. She has assets, including stock, valued at $6,063.50. She holds the degree of bachelor of arts from Gin-Lin College, Nanking, China, and the degree of bachelor of divinity from Yale University Divinity School, New Haven, Conn. She was an English teacher in China and Formosa prior to coming to this country. Her son, Peter Tung Tai Lin, attends Hamden Hall Country Day School, Hamden, Conn. They have no close family ties in the United States.

The beneficiaries last arrived in the United States on September 23, 1950, at San Francisco, Calif., on the U. S. S. *General W. H. Gordon*, accompanied by the late Mr. Lin. Lucy Tong Keng Lin and her late husband were admitted as

students, and their son, Peter Yung Tai Lin, was admitted as a visitor. She was destined to Larson College, Hamden, Conn., and Mr. Lin was destined to Berkeley Divinity School, New Haven, Conn. The beneficiaries received extensions of stay, the last of which expired on September 20, 1955, as to the mother, and on March 19, 1955, as to the son. Although they were subsequently granted the privilege of departing from the United States voluntarily they have failed to so depart.

Senator H. Alexander Smith, the author of the bill, has submitted the following information in connection with the case:

YALE UNIVERSITY,
New Haven, Conn., January 12, 1956.

To Whom It May Concern:

Mrs. Lucy Lin has been employed by the Yale University Christian Association since September 1, 1955, as a graduate fellow with special ministry to overseas students at Yale. Since she is Chinese, most most of her work has been done among oriental students and faculty members at the University.

Since Mrs. Lin is an Episcopalian, I was particularly interested in helping her find a position here where she could work on an interdenominational basis representing the Christian Association in its work among a group of students who are socially and religiously more out of touch with the life of the university and the community than any other group. In the short time Mrs. Lin has been at work, she has done a remarkable job of bringing oriental students, many of whom will be leaders in their own countries when they return from Yale and the United States, out of the isolation so many of them have found themselves in here. She has taken her pastoral responsibilities very seriously, and her home has become a center for social gatherings, study group meetings, and various sorts of discussions between herself and the people to whom she is ministering.

Many of the oriental students get false impressions of the university, the other students, and our country in general because there has been no one taking the initiative up until Mrs. Lin to bring them out of their isolation and help to set them in a situation where they can individually and corporately air their grievances and discuss intelligently the issues of religion, society, politics, and economics which confuse them here.

I can think of several cases where already through Mrs. Lin's ministrations confused, lonely, and depressed oriental students have been greatly helped by having someone available here who understands them and their problems and is really interested in working among them. She describes her work quite accurately as being a "big sister" to a number of these students, and in "building bridges" not only between them and organized religion, but between them and the university, the community, and this country. In addition, a most useful function that she is performing is to get various kinds of oriental students to appreciate the views of other kinds of orientals; for example, the Burmese do not speak to the Thai until there is someone who can act as an intermediary between the two; the Japanese and the Koreans have deep-seated disagreements between each other,

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and Mrs. Lin has been able to put a number of them on a speaking basis.

In addition to all that she has done for these students, she has set those of us in the religious ministry at Yale and many of the students a remarkable example of what can be done at the ecumenical level by a dedicated woman working among this kind of people and devoted to carrying out this mission of "building bridges."

Sincerely yours,

RICHARD H. WILMER, Jr.

DWIGHT HALL,
YALE UNIVERSITY CHRISTIAN ASSOCIATION,
New Haven, Conn., February 14, 1956.

To Whom It May Concern:

Mrs. Lucy Lin is currently employed as a staff worker of the Yale University Christian Association (Yale University YMCA, Inc.). Her position is a unique one which she alone could fill in that she is responsible for work amongst oriental students at Yale. Because of her Chinese background she is able to communicate with these people and because she is a profound Christian she is able to minister to their particular needs; material, spiritual, and mental. She is, in fact, a Christian caseworker with over a hundred such students, and without her the work could not be done. Through her individual casework and group work she has not only benefited the lives of such individuals but has given them a new and more enlightened understanding of the Christian faith and the democratic processes of our country.

It is very much the concern of the Yale Christian Association to continue this important ministry and service through the person of Lucy Lin. From our experience we know that there are very few people in the country equipped to do the work she is doing. We, therefore, need her special gifts and talents for this particular work. We are prepared to do any reasonable thing possible to retain her services.

Rev. BURTON A. MACLEAN,
Associate University Chaplain and General Secretary.

Name: Lin nee Wen Tung-keng. (Lucy). Sex: Female. Birthplace: Peking, China. Birthdate: September 18, 1915. Age: 40. Nationality: Chinese.

Passport issued by special commissioner for Taiwan Ministry of Foreign Affairs, on date, January 6, 1950; expiration date, September 22, 1957 (extended by Chinese consulate in New York).

Visa: Nonquota, 4E (student), issued by American vice consul at Taipei, Taiwan, on date, July 19, 1950; expiration date, September 23, 1955. Immigration registration No. A7,865,331 E. and D. Entered United States through San Francisco, September 23, 1950.

Name: Peter Lin. Sex: Male. Birthplace: Taipei, Taiwan. Birthdate: July 29, 1949. Age: 6. Nationality: Chinese.

Passport issued by Special Commissioner for Taiwan Ministry of Foreign Affairs, on date, January 6, 1950; expiration date, September 22, 1957.

Visa: Temporary visitor (V–4) issued by American vice consul at Taipei, Taiwan, on date, July 19, 1950; expiration date, March 23, 1955. Immigration Registration No. A10,036,030 RK. Entered United States through San Francisco, September 23, 1950.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3487) should be enacted.

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Calendar No. 2503

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2469

ATHANASIOS NICHOLAS PRITTES (ALSO KNOWN AS THOMAS PRITES, OR TOM N. PHILLIPS)

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3521]

The Committee on the Judiciary, to which was referred the bill (S. 3521) for the relief of Athanasios Nicholas Prittes (also known as Thomas Prites, or Tom N. Phillips), having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Athanasios Nicholas Prittes (also known as Thomas Prites, or Tom N. Phillips). The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 24-year-old native and citizen of Greece who last entered the United States as a seaman at Portland, Oreg. on October 10, 1952. He married a lawful resident alien on January 13, 1955, and they have one citizen child born recently. The family presently resides in Chicago, Ill., where the beneficiary is employed. He was granted the privilege of preexamination, but was unable to avail himself of the opportunity because third preference under the Greek quota is presently oversubscribed.

A letter, with attached memorandum, dated May 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3521) for the relief of Athanasios Nicholas Prittes (also known as Thomas Prites, or Tom N. Phillips), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ATHANASIOS NICHOLAS PRITTES (ALSO KNOWN AS THOMAS PRITES, OR TOM N. PHILLIPS), BENEFICIARY OF S. 3521

The beneficiary, Athanasios Nicholas Prittes (also known as Thomas Prites, or Tom N. Phillips), a native and citizen of Greece, was born on December 17, 1931. He married Betty Bertsos, a native and citizen of Greece, on January 13, 1955, in Chicago, Ill. She entered the United States for permanent residence on January 23, 1952. They reside with their child, a United States citizen, at 5915 South Richmond Street, Chicago, Ill.

The beneficiary is employed as a cook by the Airport Lounge, Chicago, Ill. He completed 5 years of school in Greece. He earns $75 a week and has household furnishings valued at $1,300. His parents, 2 brothers, and 3 sisters reside in Greece.

The beneficiary entered the United States as a seaman at Portland, Oreg., on October 10, 1952. He was authorized to remain in the United States until November 7, 1952. Deportation proceedings were instituted on January 3, 1955, on the ground that he was an immigrant at time of entry and not in possession of a valid immigrant visa. The special inquiry officer granted him voluntary departure with the provision that, if he failed to depart when and as required, he be deported.

The beneficiary has had no military service. He is registered under the Universal Military Training and Service Act.

Senator Paul H. Douglas, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON BANKING AND CURRENCY,
May 22, 1956.

Re S. 3521, for the relief of Athanasios Nicholas Prittes (also known as Thomas Prites, or Tom N. Phillips).

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, washington, D. C.

MY DEAR SENATOR EASTLAND: In order that your committee may be fully advised when consideration is given to the above-named bill, please permit me to submit the attached information.

The beneficiary of this bill, a Greek national, entered the United States at Portland, Oreg., on October 7, 1952, by failing to return to the ship on which he was employed. He immediately went to Chicago, Ill., where he bas been living since his entry, later marrying a Greek citizen who was admitted to this country for permanent residence on January 23, 1952. His wife will not be eligible to apply for United States citizenship until January of 1957. There is one United States citizen child recently born to this couple.

Mr. Prittes was granted the privilege of preexamination by the Immigration Service, but was advised by the American consul at Windsor, Ontario, Canada, that inasmuch as the Greek quota is oversubscribed, there would be a delay of unpredictable duration before a third-preference visa could be issued to him. Because of the uncertain length of time beforé Mr. Prittes could obtain a visa, the Immigration Service served notice of the cancellation of the preexamination granted to him.

Should Mr. Prittes be deported, his wife and infant would be left without support and would become public charges, as Mrs. Prittes is unable to obtain employment because of the recent birth of their child.

Since his entry to this country, Mr. Prittes has conducted himself well, as he is industrious and thrifty. He has an unblemished record, both in this country and in Greece, and values highly the privilege of living, working, and raising a family in the United States. He has registered with selective service and would render this country loyal service.

It is my sincere hope that your committee will find it possible to favorably report S. 3521 so that Mr. Prittes and his family may remain together in the United States.

With kind regards,
Faithfully yours,

PAUL H. DOUGLAS.

HELLENIC ORTHODOX CHURCH THE SAINT NICHOLAS,
Chicago, Ill., May 7, 1955.

To Whom It May Concern:

This is to certify that the undersigned clergyman, pastor of the Hellenic Orthodox Church the Saint Nicholas, is personally acquainted with Mr. Tom N. Phillips, whom, he finds, to be of sterling worth and good character.

Rev. DEMETRIOS N. TREANTAFELES.

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CHICAGO, ILL., *May 7, 1955.*

To Whom It May Concern:

Mr. Tom Phillips is known to us as a person of good character. He is honest, industrious, and religious. We highly recommend him as a person of integrity.

Yours very truly,

PETER GEORGEAFENTIS,
President,

JAMES KATOS,
Secretary,
Pelineon Society of Chios.

CHICAGO POLICE DEPARTMENT,
Chicago, Ill., March 12, 1956.

To Whom It May Concern:

This is to certify that a search of the records of this department disclosed no arrest, conviction, or sentence to imprisonment for any offense under the name only of Athanasios Nicholas Philippas, also known as Thomas Prites, of 5915 South Richmond Street, Chicago, Ill., U. S. A., during the period of his residence in this city from October 1952 to date.

This letter is for passport or immigration purposes only, and is not for personal recommendation or identification.

[SEAL] TIMOTHY J. O'CONNOR,
Commissioner of Police.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3521) should be enacted.

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Calendar No. 2504

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2470

NELSON SHU-YUNG CHUANG

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3657]

The Committee on the Judiciary, to which was referred the bill (S. 3657) for the relief of Nelson Shu-Yung Chuang, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Nelson Shu-Yung Chuang. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 22-year-old native and citizen of China who last entered the United States on September 18, 1954, at San Pedro, Calif., as a student. He is pursuing his studies in engineering at the University of Nebraska where he has completed his junior year. He applied for adjustment of status to permanent resident and thereby lost his student status. His father has held prominent positions with the United Nations Educational, Scientific, and Cultural Organization and in 1940–50 the beneficiary attended public schools in the United States. He returned to the Orient with his parents, who settled in Malaya because China had been taken over by the Communists. His parents have now been granted visas under the Refugee Relief Act and the latest information is that they were to have arrived in the United States May 31.

A letter, with attached memorandum, dated June 6, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill, reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 6, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3657) for the relief of Nelson Shu-Yung Chuang, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Omaha, Nebr., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota. The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE NELSON SHU-YUNG CHUANG, BENEFICIARY OF S. 3657, 84TH CONGRESS

The beneficiary, whose true name is Shu Yung Chuang and who has also been known as Nelson Shu-Yung Chuang, has testified that he was born on July 2, 1934, at Hangchow, Chikiang, China, and is a citizen of China. He is single and resides at 229 North 12th Street, Lincoln, Nebr. The beneficiary is in his junior year at the University of Nebraska, majoring in civil engineering.

The beneficiary's school expenses are borne by a grant from the Engineering College of the University of Nebraska, supplemented by financial assistance from his sister, Mrs. May C. Tai, 1142 Wisconsin Avenue, Huron, S. Dak. He is unemployed and has no additional income. His assets amount to $100.

The beneficiary's father, Chai Hsuan Chuang, and mother, Yat Krran Chuang nee Liang, reside at 16K MK 13 Ayer Itam Road, Penang, Malaya. Both parents will apply for admission to the United States for permanent residence about May 31, 1956, at New York, N. Y.

The beneficiary arrived in the United States at San Pedro, Calif., on September 18, 1954, and was admitted as a student. He filed an application for status as permanent resident on April 19, 1955. The application was denied on February 15, 1956, on the grounds that a quota immigrant visa was not immediately available. The beneficiary submitted an appeal on February 28, 1956, and the notice of denial was affirmed by the regional commissioner on March 7, 1956. He was granted the privilege of departing voluntarily from the United States on or before June 21, 1956. The beneficiary has stated that he will not depart voluntarily and an order to show cause is being issued in deportation proceedings on the charge that, after admission to the United States

as a nonimmigrant, he failed to maintain the nonimmigrant status in which he was admitted or to comply with the conditions of such status.

The beneficiary has not registered under the Universal Military Training and Service Act.

Senator Carl T. Curtis, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
April 30, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee,
United States Senate, Washington, D. C.

DEAR SENATOR EASTLAND: I am writing you concerning the bill which I have introduced, S. 3657, for the relief of Nelson Shu-Yung Chuang. I am enclosing some documents in support of this legislation as follows:

1. Affidavit of Mr. Nelson Shu-Yung Chuang, a citizen of Nationalist China.
2. Affidavit of Dr. G. W. Rosenlof, dean of admissions and interinstitutional relationships and foreign student adviser, of the University of Nebraska.
3. Statement of Mrs. Gladys Forsyth, president of the First Federal Savings & Loan Association of Lincoln, Nebr.
4. Statement of Dr. Charles H. Arnold, of Lincoln, Nebr.
5. Statement of Joseph T. Carroll, chief of police for the city of Lincoln, Nebr.

I should like to particularly call your attention to the last paragraph in Mr. Chuang's affidavit in which he sets forth the reasons why he must remain in the United States. Certainly this young man cannot go to Communist China which means, in the true sense, that he has no home. Secondly, he could not return to his adopted home in Malaya because of circumstances set forth. Thirdly, the fact that his parents have been granted visas for residence in the United States under the refugee relief program and will be arriving here late in April. These are unusual circumstances and I, therefore, feel that the case merits immediate consideration by the committee. It will be appreciated if a departmental report can be obtained.

Thanking you for your kind assistance, I am,

Sincerely yours,

CARL T. CURTIS,
United States Senator.

AFFIDAVIT

My Chinese passport contains form FS–257a No. V–758074.

I, Nelson Shu-yung Chuang, born July 2, 1934, at Hangchow, Chikiang, China, of Chinese parentage, arrived at San Pedro, Calif., on September 18, 1954, with nonimmigrant visa under classification F. My passport was issued at the Chinese Embassy, Bangkok, Thailand; and my visa was signed by the American consulate of Penang, Federation of Malaya. My temporary entry permit states purpose and intended length of stay in the United States of America to be further studies and 5 years, respectively. My visa was rendered void according to section 245 (a) of the Immigration and Nationality

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Act which provides that: "Any alien who shall file an application for adjustment of status under this section shall thereby terminate his nonimmigrant status." With the denial of such application, and of the subsequent appeal from such decision, by the district director of the Immigration and Naturalization Service at Chicago, my departure from the United States must be effected on or before June 21, 1956.

I hereby list the following reasons why I must extend my stay in the United States: (*a*) The continuation of my collegiate education at the University of Nebraska, which is being sponsored by my sister, Mrs. May C. Tai, of 1142 Wisconsin Avenue SW., Huron, S. Dak.; (*b*) the fact that my parents, Dr. and Mrs. Chuang Chai Hsuan, of Penang, Malaya, have been granted visas for the United States under the refugee relief program and will be on the way to New York City by late April; (*c*) the British recognition of communistic China which prevents my reentry to Malaya with a passport issued by Nationalist China; (*d*) that I cannot go to Formosa which never has been my home; and (*e*) that the present conditions in cor munistic China necessitate that I seek refuge elsewhere, preferably in the United States of America where I have a number of close relatives.

I, the undersigned, affirm the above statement to be the absolute truth.

(Signed) NELSON S. CHUANG.

This is a true signature of Nelson S. Chuang. Subscribed and sworn to before me this 3d day of April 1956.

VIOLA HASSKARL,
Notary Public, Lancaster County, State of Nebraska.

A BRIEF IN BEHALF OF MR. NELSON SHU-YUNG CHUANG, A CITIZEN OF NATIONALIST CHINA

Mr. Nelson Shu-Yung Chuang was born in Hangchow, Chikiang, China, on July 2, 1934, and continued to live there until July of 1949. The father, Dr. Chuang Choi Hsusan, was engaged in educational work and has traveled somewhat extensively. He was actively supporting the program of the United Nations and prominent in furthering the program of UNESCO. The father visited in the United States in 1949, his family accompanying him on that journey. Prior to 1949 the father held an official position in the United Nations Educational, Scientific, and Cultural Organization. The trip to America was made in order to visit two uncles of Nelson's and a sister who had become citizens of the United States of America. The Communist uprising in China made it extremely unwise for the family to return to China. The family sought and secured haven in Penang, Malaya. The family remained in America about 1 year. In Malaya the father again became a schoolmaster and teacher.

Nelson was in 1949–50 a student in the public schools in Pasadena, Calif. The records indicate in August 1950 he left with his parents for Malaya. Attached hereto is a form of affidavit used in lieu of a passport—an instrument that was effective for the purpose. He had lost his nationality of origin owing to the new government in China which had been recognized by Great Britain but a government which had no representatives in the United States—hence no official passport or other form of travel document was available.

It is clearly obvious that this family was not sympathetic to the new government of China. It was not communistic. Hence it could not return to China. Upon arriving in Malaya the father secured employment as a secondary school principal in Penang. Nelson Chuang applied for the necessary travel documents—passport and visa—that he might return to the United States to complete his college education, majoring in the field of civil engineering. The University of Nebraska accepted him as a student. He entered the University of Nebraska and completed his registration September 25, 1954, and has continued as a full-time student until the present moment. He is currently enrolled in a full-time program and has at all times maintained a very satisfactory academic record in this institution.

The original passports and visas of the parents as well as of Nelson were issued by the Government of Nationalist China and dated April 6, 1948. The destination indicated was France (via all necessary countries). The British Government as already stated, had provided an affidavit in lieu of a passport for passage from the United States to Malaya, the passport and visa permitting Nelson Chuang to come to the United States from Malaya. The passport is No. M. T. 22185, issued by the Ministry of Foreign Affairs of the Republic of China, which requested all civil and military authorities of friendly states to let pass freely Mr. Chuang Shu-Yung, alias Nelson S. Y. Chuang, a national of the Republic of China, going to the United States of America via all necessary countries en route and afford assistance and protection in case of necessity. The passport is dated July 20, 1954, and issued by China Embassy, Bangkok, and valid until July 19, 1957.

Mr. Chuang's visa is No. V–758074. It gives evidence that Nelson S. Y. Chuang, alias for Chuang Shu-Yung, resided at 16–K, Mk. 13 Ayer Itam Road, Penang, Federation of Malaya, and his father, Dr. C. H. Chuang as residing at that address. He was admitted to the United States at San Pedro, Calif., September 18, 1954. The purpose for his coming to the United States was to pursue further studies. He is in this country, therefore on a student visa. The visa originated in the office of the American consulate in Penang, Federation of Malaya.

Records in the office of the United States Department of Justice, Bureau of Immigration and Naturalization Service, at Omaha, Nebr., will show that about June 1, 1955, Mr. Nelson Chuang made application for status as a permanent resident (file No. A–8871376). In compliance with regulations Mr. Nelson Chuang furnished full and complete evidences in support of his claim. It is presumed that all information relating thereto is on file in the Omaha office of the Bureau of Immigration and Naturalization Service. The application was denied.

On February 15, 1956, the district director, Robert H. Robinson, advised Mr. Chuang that his appeal was denied for the reason that "a quota immigrant visa was not immediately available at the time of your application for adjustment of status under section 245 of the Immigration and Nationality Act."

On March 16, 1956, Stanley F. Perryman, of the Omaha office, advised Nelson Chuang that the appeal to the regional commissioner had been reviewed and that the acting regional commissioner, of the office located in St. Paul, Minn., has rendered a decision affirming the

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action of the district officer and that the former decision is, therefore, final.

Mr. Chuang was also informed on the aforementioned date that section 245 (a) of the Immigration and Nationality Act provides that "any alien who shall file an application for adjustment of status under this section shall thereby terminate his nonimmigrant status." He was further informed that:

"In view of the unfavorable decision entered in your case, it will be necessary that you make arrangements to depart from the United States. Your departure on or before June 21, 1956, will be considered satisfactory and you should advise this office approximately 10 days in advance of the date, port and means by which you will depart from the United States in order that you may be furnished a letter and your departure may be officially verified. Your failure to depart on or before the date stated will make it necessary for this Service to institute proceedings looking to your enforced departure from the United States."

Mr. Nelson Chuang's application for permanent status is undoubtedly prompted by the knowledge that his parents had made application for permanent residence in the United States under provisions of the refugee relief program, which application had been favorably acted upon by United States Government authorities in the Federation of Malaya. In fact, they are now closing up all affairs for their departure to the United States, leaving Penang, Malaya, late in April 1956, arriving in the United States in May 1956.

The action on the part of Nelson Chuang was also prompted by the fact that the British recognition of communistic China prevents his reentry to Malaya with a passport issued by Nationalist China. As he points out he cannot go to Formosa which has never been his home, and further that the present conditions in communistic China require that he seek refuge in the United States where there are close relatives and where his parents will be residing.

All of the foregoing—as far as my knowledge permits me to go—is a true statement of the prevailing conditions and the circumstances which have led thereto. I strongly support this application in the belief that favorable action is consistent with the traditional policy of the United States Government and of its citizens from the earliest date of our existence as a nation, viz, to help protect and defend those who suffer through no fault of their own but are the victims of conditions that are anything but tolerable.

The foregoing subscribed and sworn to as representing the true facts as known to us.

G. W. ROSENLOF.

Subscribed and sworn to before me this 2d day of April 1956.

VIOLA HASSKARL,
Notary Public, Lancaster County, State of Nebraska.

FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF LINCOLN,
Lincoln, Nebr., March 23, 1956.

Senator CARL T. CURTIS,
Senate Office Building,
Washington, D. C.

DEAR SENATOR CURTIS: I am sure that you know that I am very much interested in the foreign student program not only at the University of Nebraska but over the United States and feel that we should give it financial support.

As we work with it, problems arise such as the one which now concerns Mr. Nelson Y. Chuang. I understand that he has been ordered to leave the United States at the end of this semester. At the same time, his father and mother are coming to the United States where his father expects to teach. I have worked with him during the past school year and am very sure that he is a sincere, earnest young man in pursuit of the education and training that we are able to give him in the United States.

I hope that you will do what you can to make it possible for him to remain.

With best wishes.

Sincerely,

GLADYS FORSYTH.

LINCOLN, NEBR., *March 26, 1956.*

Re Mr. Nelson Y. Chuang.

Hon. CARL CURTIS,
United States Senator, Washington, D. C.

DEAR SENATOR CURTIS: Mrs. Arnold and I are well acquainted with Mr. Nelson Y. Chuang and know him to be of good moral character and one who practices all the virtues of a Christian gentleman and a good American citizen.

We assure you he is worthy of your efforts in introducing a private bill for his relief and of your influence in securing the passage of such.

We will consider such service a personal service to us.

Thanking you very, very much I am,

Sincerely yours,

Dr. CHARLES H. ARNOLD.

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CITY OF LINCOLN, NEBR.,
POLICE DEPARTMENT,
April 3, 1956.

To Whom It May Concern:

This is to certify that a search of the records of this department failed to disclose any record of arrest, conviction, or sentence to imprisonment for any offense under the name of Nelson Shu-Yung Chuang.

Neither has this department any record of the said person ever having been arrested for any antagonism against the form of government of the United States of America.

JOSEPH T. CARROLL,
Chief of Police.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3657) should be enacted.

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Calendar No. 2505

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2471

DR. JAMES R. P. WONG

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3813]

The Committee on the Judiciary, to which was referred the bill (S. 3813) for the relief of Dr. James R. P. Wong, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. James R. P. Wong. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native of British Guiana and citizen of Great Britain of the Chinese race. He first entered the United States as a student in 1945 and received his medical degree from Loyola University. He departed from the United States in August 1948 and reentered as a student in September 1948. He was granted a change of status to that of an exchange visitor on December 16, 1952, for 1 year, while in residency at the Walther Memorial Hospital, Chicago, Ill. He is at present resident physician at West Suburban Hospital, Oak Park, Ill.

A letter, with attached memorandum, dated June 21, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., June 21, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3813) for the relief of Dr. James R. P. Wong, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate quota. The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JAMES R. P. WONG, BENEFICIARY OF S. 3813

The beneficiary, Dr. James R. P. Wong, a native of British Guiana and a citizen of Great Britain of the Chinese race, was born on September 28, 1926. He has never married and resides at 518 North Austin Boulevard, Oak Park, Ill.

The beneficiary is a resident physician at the West Suburban Hospital, Oak Park, Ill. He received his medical degree from Loyola University, Chicago, Ill. He earns $300 a month and has $1,200 in savings. His father, 5 brothers and 5 sisters reside in British Guiana. A brother resides in England and two sisters reside in the British West Indies.

The beneficiary first entered the United States as a student at Miami, Fla., on January 27, 1945, and departed in August 1948. He reentered the United States as a student at New York, N. Y., on September 21, 1948. He was granted a change of status to that of an exchange visitor on December 16, 1952, for 1 year, while in residency at the Walther Memorial Hospital, Chicago, Ill. Upon failure to continue this residency deportation proceedings were instituted on December 10, 1953, on the ground that he had failed to maintain his nonimmigrant status. On March 15, 1956, the special inquiry officer granted voluntary departure with the provision that, if he failed to depart when and as required, he be deported.

The beneficiary registered under the Selective Training and Service Act of 1940. He has had no military service.

Senator Everett McKinley Dirksen, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

LOYOLA UNIVERSITY,
Chicago 11, Ill., June 7, 1956.

Hon. EVERETT MCKINLEY DIRKSEN,
Senator from Illinois,
Senate of the United States, Washington, D. C.

MY DEAR SENATOR: I am writing to ask for your support of a bill which would permit an old student of mine to remain in this country as a permanent resident. The student is Dr. James Reginald P. Wong, who presently has a residency on the staff of the West Suburban Hospital, 518 North Austin Boulevard, Oak Park, Ill.

I know Dr. Wong longer than any other person on the Loyola University faculty; I was the first faculty member he met when he came to Loyola on a cold February morning in 1945 direct from the airport and British Guiana, a very frozen freshman. I was acting registrar at the time; I got him settled, registered, etc. From then on throughout his 3 years' undergraduate work in our arts college, and his 4 years in our medical school, I saw him frequently and followed his progress with interest.

He was a student, in fact a brilliant student, in some of my classes in languages. He has showed throughout all the 11 years I have known him various exemplary traits of character, such as personal integrity, loyalty, initiative, perseverance. His success so far in his chosen profession of medicine is evidence enough of his achievements, as well as his pleasant and engaging personality.

I was surprised to learn that Dr. Jim, as I call him, has not yet achieved the status of permanent resident or of a citizen. I would go further than endorsing him as a mere permanent resident; he has my sponsorship for becoming a citizen of the United States at any time he will ask for it.

It is my sincere wish that you and your colleagues in the Senate will be able to secure the passage of a bill which will permit such outstanding professional young men as Dr. Wong to remain permanently in the United States and to qualify eventually as citizens of of our Nation.

Yours very truly,

D. HERBERT ABEL, Ph.D.,
Professor, Classical Languages.

RIVERSIDE, ILL., *May 31, 1956.*

Hon. EVERETT M. DIRKSEN,
The Senate, Washington, D. C.

DEAR SENATOR DIRKSEN: I am writing to you on behalf of a private bill S. 3813. This bill has to do with the permanent residency of Dr. James R. P. Wong. Dr. Wong was born on September 26, 1926, in British Guiana, South America. In 1945, he entered the United States under the Student Act. He received his formal medical education at Loyola University at which institution he received his bachelor of science degree in 1949, and his doctor of medicine degree in 1951. He served his internship at St. Mary's of Nazareth Hospital in Chicago, and at present is serving as a resident in surgery at West Suburban Hospital in Oak Park, Ill.

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As a staff member of West Suburban Hospital, I have for the past 2 years had an excellent opportunity to observe Dr. Wong's professional abilities. During this time his demeanor, capabilities, and attitude have been outstanding. He is an extremely conscientious individual and plans on applying for citizenship if favorable consideration is given to his strong desire for permanent residency in the United States of America.

As one of your constituents, I felt that the expressed opinion of a physician acquainted with Dr. Wong might be of value to you in the consideration of bill S. 3813.

Very truly yours,

G. J. KIDERA, M. D.

ST. LUCY'S CHURCH,
Chicago 44, Ill., June 6, 1956.

Hon. EVERETT MCKINLEY DIRKSEN,
United States Senate, Washington, D. C.

DEAR MR. DIRKSEN: In response to the request of Dr. James Wong, of West Surburan Hospital, Oak Park, Ill., I am writing this letter of recommendation to you concerning him.

As well as I can recall I have been acquainted with Dr. Wong for over 2 years. He has been a friend and adviser to me during that time. I know only good of him. His moral character, to the best of my knowledge, is beyond reproach. I am sure that I second the opinion of many of the men of his profession when I say that Dr. James Wong will become one of the outstanding medical men in this area of our State should he be allowed to become a citizen. I have seen him work in West Suburban Hospital. I have marveled at his patience, honesty, and kindness. He has been especially kind to the children of our neighborhood on the many times we have had to bring them to the hospital for emergency treatment. He is a likable and well-liked man. At present his reputation is such that people who have not seen Dr. Wong before will come to the hospital and ask for him on the word of others. This, according to those at the hospital, is a rare thing indeed for resident doctors. For what it is worth, may I express the opinion that to let the good doctor slip from our hands would be somewhat of a detriment to the city, State, and country.

May I assure you, Senator, that neither you nor any other legislator need fear sponsoring his remaining in the United States or his becoming a citizen. Asking God to bless you and your work, I am

Yours sincerely,

Father DANIEL E. FINN.

CHICAGO 54, ILL., *June 7, 1956.*

Hon. EVERETT M. DIRKSEN,
Washington, D. C.

DEAR SIR: With reference to the request for citizenship of Dr. James R. P. Wong, may I call to your attention the merit of this young man.

Dr. Wong has been known to me, as a close friend, for some 11 years. I can confirm knowledge of his excellent record as a student, which information you will have received from Loyola University.

Since graduation Dr. Wong has worked diligently to continue his studies in his chosen field. His sincerity of purpose is obvious.

During these years of our acquaintance Dr. Wong's personal life has been above reproach. I would like to say, without qualification, that he is a man of integrity and good intention and a person who could become nothing but a particularly good citizen of our country.

It is my hope that you may consider Dr. Wong's application with favor.

Yours sincerely,

JO ANN WILLOTH.

CHINESE AMERICAN CIVIC COUNCIL OF CHICAGO,
Chicago 2, Ill., June 11, 1956.

Re character reference for Dr. James R. Wong

Hon. EVERETT MCKINLEY DIRKSEN,
Senate Office Building, Washington, D. C.

DEAR SENATOR DIRKSEN: I have known Dr. Wong personally for the past 8 years including the period when he was a student at both the College of Liberal Arts and the medical division of Loyola University of Chicago. During his stay in these United States, approximately 11 years, he has conducted himself in a manner which we may be proud of. His honesty, moral integrity, and constructive industry are well known. In view of the fact that all his training has been in this country since he was 17 years old, we may be sure that he is well integrated in our American way of life. He harbors no subversive affiliations that I know of.

The people of the United States stand to benefit from the admittance of this young man into this country. I will also endorse his application for citizenship should such a permission be granted.

Respectfully,

LOUIS TOWNE, *President.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3813) should be enacted.

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Calendar No. 2506

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2472

GUISEPPINA COPPOLA

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3814]

The Committee on the Judiciary, to which was referred the bill (S. 3814) for the relief of Guiseppina Coppola, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to deem Guiseppina Coppola to have been born in Great Britain.

STATEMENT OF FACTS

The beneficiary of the bill is a 22-year-old native of Italy and British subject who presently resides in London, England with her brother and his wife, who will be coming to the United States in the near future. The beneficiary's parents, two brothers and a sister are lawful permanent residents of the United States. She was granted a visa under the British quota as the minor child of a British subject by birth. But by the time the visas were issued to her family, she had passed her 21st birthday and her visa was held up.

A letter, with attached memorandum, dated June 22, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., June 22, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3814) for the relief of Guiseppina Coppola, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office, of this Service, which has custody of those files.

The bill would provide that, for the purposes of the Immigration and Nationality Act, the beneficiary shall be deemed to have been born in Great Britain.

The beneficiary is chargeable to the quota for Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GUISEPPINA COPPOLA, BENEFICIARY OF S. 3814

Information concerning the case was obtained from Domenico Coppola, the beneficiary's father.

Guiseppina Coppola or Guiseppa Coppola, a native of Italy, and a British subject, was born on March 19, 1934, in Atina, Italy. She has never married and lives with her brother and his wife at 58 Middleton Street, London, E. C. 1, England. She has never been in the United States. Miss Coppola is employed as a stitching machine operator by a firm in London, England, for which she receives the equivalent of $18 in United States currency per week. Her assets are unknown. She attended school in Italy for 6 years and in England for 3 years. Her parents, two brothers, and a sister who live in Watertown, Mass., are lawful permanent resident aliens. The brother with whom she lives is her only near relative in England.

The beneficiary lived in Italy from birth until March 1948. In March 1948 she, with her mother, a brother, and a sister, went to England to live with her father and two brothers who had gone to England in 1947. On October 3, 1954, she applied for an immigrant visa at the United States consulate in London, England, on the basis that she was the minor child of a British subject by birth. She was issued an immigrant visa to enter the United States on June 8, 1955, under the British quota at the same consulate, but the visa was later canceled upon learning she was no longer a minor. Thereafter she was informed that she was being placed on the quota waiting list for Italy.

Domenico Coppola, a native of Scotland, and a British subject, was born on April 12, 1905, in Glasgow. When about 4 years old he was taken to Italy by his parents and

lived in that country until 1947. He married Arcangela Moro, a native of Italy, on December 1, 1927, in Atina, Italy. Their five children were all born in Italy. He lives with his wife and two minor children at 320 Main Street, Watertown, Mass. Mr. Coppola is employed as a laborer at a monthly salary of $92 by Haartz-Mason Inc., a rubber products manufacturing concern in Watertown. The family assets consist of a bank account of $600; furniture, jewelry, and personal possessions valued at $3,000. He attended school in Italy for 6 years. His wife and two minor children accompanied him when he entered this country for the first time on June 20, 1955. He states that his son and daughter-in-law, with whom the beneficiary lives in London, England, now have immigrant visas to enter the United States and expect to arrive soon which will mean that his daughter will be left alone. Mr. Coppola served in the Italian Army from May 22, 1925, until September 24, 1926, and was honorably discharged.

Senator John F. Kennedy, the author of the bill, has submitted the following letter in connection with the case:

BOSTON, MASS., *May 14, 1956.*

Hon. JOHN F. KENNEDY,
United States Senator from Massachusetts,
Senate Building, Washington, D. C.

DEAR SENATOR: Please accept our heartfelt thanks and sincere appreciation for your kind reception and gracious attitude in permitting our meeting with you at your offices in Washington and your interest, attention, and assistance with reference to matters relating to the filing of a private bill with the United States Senate for special consideration, S. 3814.

In keeping with your suggestion, please permit us to give you the following information relative to the subject, Giuseppina Coppola who was born in Atina, Italy on March 19, 1934, and is now residing at 58 Middleton Street, London, E. C. 1 England.

The subject is the daughter of Domenico Coppola.

Domenico Coppola was born in Glasgow, Scotland on April 12, 1905, and is a subject of the British Government and a former resident of London, England.

His wife: Arcangela (Moro) Coppola was born at Sora, Italy and was married to him on December 1, 1927, at Atina, Italy in the Province of Frasnione.

There was born to them the following children:

Mario Coppola, born December 10, 1928, at Atina, Italy. He is now 27 years of age and was married to Concetta at London, England. They have one child who is living with them. He is now a resident at 320 Main Street, Watertown, Mass.

Carmine Coppola, who was born on March 5, 1930, at Atina in Italy and who is now 26 years of age and is presently living in London at 58 Middleton Street, London E. C. 1, England. This child has had issued to his wife, himself, and their child a visa and is about to leave for the United States.

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Giuseppina Coppola (subject), born on March 19, 1934, at Atina in Italy and is now living at 58 Middleton Street, London E. C. 1, England. Unmarried.

Mafalda Coppola, born July 23, 1937, at Atina, Italy, and now living at 320 Main Street, Watertown, Mass. Unmarried.

Loretto Coppola, born December 10, 1938, at Atina, Italy, and now living at 320 Main Street, Watertown, Mass.

The following brief is presented to you that it may be of some assistance with respect to the filing of a private bill for and on behalf of the subject, Giuseppina Coppola, that she may be permitted legal entry into the United States to join her father, mother, brothers, and sister.

Domenico Coppola, her father, was born in Glasgow, Scotland on April 12, 1905, a subject of the British Government. That he removed himself to Italy when about 4 years of age, lived there, married and raised a family without having lost or given up his British citizenship. In 1947, he moved back to London, England and his children Mario and Carmine followed him to London on August 25 1947. His wife and his other children, including the subject, came to be with him in London on March 11, 1948. On October 16, 1954. Mario Coppola and his wife came to the United States on a visa applied for by the father-in-law of Mario, a United States citizen who was and is living in the United States at 32 Myrtle Street in Watertown. Not being able to take his infant child with him, Mario Coppola left that child with his mother and father that they shall bring that child with them to the United States.

On October 3, 1954, the subject and her father, mother, brothers, and sister made application to the United States consulate in London that visas may be issued to them permitting them entry into the United States for permanent residence. That from that time to February 24, 1955, negotiations between the Coppolas and the United States consulate respecting the various necessary affidavits, forms and applications were executed.

From February 24, 1955, up to and before June 7, 1955, no requirements were made of the subject by the United States consulate in England.

In the interim, the subject had, on March 19, 1955, attained the legal age of 21 years. On June 7, 1955, the subject received from our consulate in London an application numbered 23361 permitting her to accompany her father, mother, brothers, and sister to the United States. That there was also issued to her a British passport, notorial certified photostated page by page copy which is herewith included and made a part of this letter for your consideration. On June 8, 1955, the subject, as a result of a telephone conversation with the United States consul in London, was counseled to confer with them and was advised by them that since she had attained her 21st birthday, permission granted to her to accompany her parents and family to the United States must be surrendered and she was prevented from accompanying them to the United States. On July 11, 1955, the subject is further advised by our American consulate at 25 Grosvenor Square, London W. 1 that the Embassy has charged the subject to "Quota which is oversubscribed, which means that a long period of time may elapse before your turn on the quota waiting list is reached." "Your quota, Italian. Date of registration, October 3, 1954."

May we respectfully submit that the subject, who is the daughter of a native-born Scotsman, is the subject of a situation respecting dual citizenship, that of British, because of the nativity of her father, and that of Italian, because of her own nativity; this relationship of dual citizenship and its effect probably not known either to herself or to her family, but believing all to be British citizens and not Italian.

The subject is alone in England. Temporarily living with her brother Carmine, who is married and has a child and who is about to come imminently to the United States, which, when he does, will leave the subject entirely alone and without family.

I am hopeful that your good offices and our great Congress can and will see the severe hardship that has befallen this young girl who would have been permitted entry into the United States in the company of her father, mother, sister, and brothers had the necessary administrative application and visa papers been processed most expeditiously by our consul general This case is, I believe, a most meritorious one. If ever there is a situation which demands understanding, sympathetic appreciation, and administrative correction which will effectively and most probably give to this young lady status of British citizenship, recognized by the British Government, in keeping with and following that of her father, mother, sister, and brothers, this certainly is the case.

I trust that these facts will be sufficient to assist you in helping this family by bringing to them their daughter, Giuseppina Coppola and thus keep a family united and happy in this land of ours and theirs.

With kind personal regards.

Respectfully yours,

GORNSTEIN & SCLAFANI,
By GEORGE J. GORNSTEIN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3814) should be enacted.

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Calendar No. 2507

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2473

ANTONIETTA AURORA MATTERA BERG

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 4015]

The Committee on the Judiciary, to which was referred the bill (S. 4015) for the relief of Antonietta Aurora Mattera Berg, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to aliens of the immoral classes in behalf of the wife of a citizen of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a native and citizen of Italy who presently resides there. She was married to a United States citizen in 1955, but was unable to accompany him to the United States because she was ineligible to receive a visa. She had been convicted in 1947 in Italy for soliciting prostitution, but information is to the effect that her sentence was the result of revenge on the part of a policeman who had denounced her. Without the waiver provided for in the bill, the beneficiary will be unable to join her citizen husband in the United States.

A letter dated December 12, 1955, to Senator Richard L. Neuberger from the Assistant Director of the Visa Office, United States Department of State, relative to the beneficiary, reads as follows:

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DEPARTMENT OF STATE,
Washington, December 12, 1955.

Hon. RICHARD L. NEUBERGER,
United States Senate.

DEAR SENATOR NEUBERGER: I refer to your interest in the visa case of Antonietta A. Mattera Berg, the wife of one of your constituents.

A report dated November 15, 1955, has been received from the Consul General at Naples, Italy stating that the records of his office indicate that Mrs. Berg was convicted on March 3, 1947, for soliciting prostitution and was sentenced to 6 months imprisonment and a 2,000 lire fine. When Mrs. Berg called regarding her visa application she claimed that the record did not relate to her and that there was some mistake. However, it has been ascertained through the appropriate authorities that there is no mistake of identity. Mr. Berg was requested to submit the record of the court of first instance which she has so far failed to do.

In view of the record of conviction in this case the consular officer has no choice under the provisions of the Immigration and Nationality Act but to withhold an immigration visa from Mrs. Berg.

Sincerely yours,

ELIOT B. COULTER,
Assistant Director, Visa Office.

Senator Richard L. Neuberger, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
June 12, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee,
United States Senate, Washington, D. C.

DEAR SENATOR EASTLAND: On June 7, 1956, I introduced S. 4015 to waive provisions of paragraphs 9 and 12 of section 212 (a) of the Immigration and Nationality Act so that Mrs. Antonietta Aurora Mattera Berg may be admitted to the United States for permanent residence.

Mrs. Berg was married February 7, 1955, to Mr. Elof Melvin Berg of 1158 Edward Street, Coos Bay, Oreg. Mr. Berg is a native-born United States citizen and Mrs. Berg is an Italian national.

Following the marriage last year, Mr. Berg found that he was unable to bring his wife to the United States under section 212 (a) of the Immigration and Nationality Act. I have enclosed a letter of October 5, 1955, from Mr. Robert J. Cavanaugh of the American consulate in Naples, Italy, and a letter of December 12, 1955, from Mr. Eliot B. Coulter, Assistant Director, Visa Office, Department of State, which explain the reasons why Mrs. Berg is not eligible to enter the United States.

Since Mr. Berg's return to the United States in June 1955, he has been very upset and distraught by his inability to bring his wife to the United States. I am enclosing a number of Mr. Berg's letters to me covering a 6 months period which tells of his great anxiety due to the absence of his wife. I have also enclosed a photograph of Mr.

and Mrs. Berg taken in Italy, together with a letter from Mr. Berg's elder brother, Mr. George Berg of Coos Bay, Oreg.

I have also enclosed a letter from Mr. D. D. Dashney, vice president of the Coos Bay Lumber Co., Coos Bay, Oreg., which indicates that Mr. Elof Berg has been employed by the company for a number of years and states that Mr. Berg is not only a good workman but also is a very good citizen. Mr. Dashney's letter states:

"There is no question about his character as we have known him for some time and also know that he comes from a very fine family of Norwegian extraction. We feel certain that after knowing Mr. Berg that anyone he would choose as a wife, as he did when he was in Italy, would undoubtedly be a worthwhile citizen."

I have received a number of letters from members of the Catholic clergy which attest to the good reputation Mrs. Berg now enjoys in her community. A letter of November 17, 1955, from Father P. Abramo Medina, C. P. states:

"I know you will do all you can for obtaining the visa for Mrs. Berg, really she is a very good and honest girl and her family is one of the best families of this town, I know them very well as a parish priest I am of this town of Serrara. I am helping Mrs. Berg in all I can and I am ready to do my best; if it will be good or necessary to give my testimony for her and her family in the American consulate, I will give it etc."

This same parish priest married Mr. and Mrs. Berg and in a later letter of January 5, Father Medina states: "I am able to assure you and to state that Aurora's family is one of the best of my parish, and particularly Aurora is a very good Catholic woman." The Father states that since the incident of 1947, Mrs. Berg has continued to observe a very good behavior. I have also enclosed a letter of December 16, 1955, from Father Pasquale D'Abunde, a priest who has been acquainted with the family for many years and who tells of Mrs. Berg's good conduct and also provides some background information on the earlier conviction.

I am hoping that you and the Senate Judiciary Committee can give favorable consideration to my bill to allow Mrs. Berg to enter the United States and be with her husband. It does not seem right that Mr. Berg should be permanently separated from his wife.

Sincerely,

RICHARD L. NEUBERGER,
United States Senator.

COOS BAY, OREG., *April 29, 1956.*

Mr. RICHARD L. NEUBERGER,
United States Senator,
Washington, D. C.

DEAR MR. NEUBERGER: Having been away from the United States for 9 months I could feel a difference when I came to New York and saw our flag flying. I was glad then to be back.

I hope Congress will give me real cause to be glad I am a citizen of the United States of America.

My birthday is on the Fourth of July. I want so much to celebrate, but I will not be happy until this trouble is over.

I hope you have had a letter from Serrara from Il Sindaco (the mayor) and it was not any trouble to understand. Although we did

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not understand each other he was ready to do anything for us when we were assembling her documents.

My wife said it was destiny that brought us together. We hope you will bring us together again.

We need each other. Bring her over and have two of your stoutest supporters for 1958.

Sincerely yours,

ELOF M. BERG.

PARROCO DI S. M. DEL CARMINE,
Serrara d'Ischia, December 26, 1955.

Mr. DICK NEUBERGER,
American Senator, Washington.

DEAR MR. NEUBERGER: I am including you a letter of a parish priest, native of this island, therefore he knows very well Aurora Mattera since they were children; he knows very well also her family as you are able to see in his letter I translated into English.

I know all the people of this small island and principally I know very well the people of my parish, since 4 years ago I am parish priest of this town of Serrara. So I am able to assure you and to state that Aurora's family is one of the best of my parish, and particularly Aurora is a very good Catholic woman. I did not write you before because I wanted to investigate myself on account of Aurora's incident happened during the war in 1945; and I found that it was only one mistake happened her when she was a very young girl. Afterwards she has continued to observe a very good behavior.

So I am praying you, as a parish priest of this town, to do all you can for obtaining her the American visa to enter in the United States, so she will be able to join her husband, Mr. Elof M. Berg, in the State of Oregon. I myself married them on the 6th February.

I thank you for the attention you will pay to this, my letter, and wishing you a very happy New Year, I am

Sincerely yours,

Fr. ABRAHAM MEDINA, C. P.

PARISH CHURCH OF S. MICHEL THE ARCANGEL,
Ferie d'Ischia (Napoli), December 16, 1955.

DEAR SENATOR: As a parish priest of the above-mentioned church, I allow me to utter a prayer. From childhood I knew very well all the family of Aurora Mattera. So I am able to testify you that her family is one of the most estimated in the town. She is in a very good reputation. It is true that there was a sentence against Aurora; but I ought to state she had the misfortune of falling (like into a trap) because the man (who deceived her) promised her the matrimony; she was a victim also of a racketeer's vengeance; this man was a policeman. Not always the policemen are what they ought to be. Therefore this policeman disappointed from Aurora's godmother, owner of a restaurant, revenges himself denouncing the god-daughter Aurora Mattera. However such a sentence (against Aurora) did not impede her to vote in the politic elections. Meanwhile God have permitted that the policeman should be punished being degraded from the Policemen Corporation on account of his bad behaviour, this happened on about 2 years after Aurora's incident. Since 1945 Aurora Mattera have not had any more something like the above-

mentioned incident; she had nothing to do with anybody. She has continued to keep a very good conduct.

Excuse me if I pray you to examine the case and to take it in a great consideration, obtaining her the American visa to the United States of America.

I thank you very much for all you will do and with my best wishes I am sincerely yours.

IL PARRECO,
Sac. Pasquale D'Abunde.

COOS BAY LUMBER CO.,
Coos Bay, Oreg., December 9, 1955.

Hon. RICHARD L. NEUBERGER,
United States Senate, Washington, D. C.

DEAR SENATOR NEUBERGER: One of our employees, Mr. Elof M. Berg, 1158 Edward Street, Coos Bay, Oreg., called at our office this morning and told us of his call upon you and showed us some correspondence he has had with you with reference to gaining entrance to the United States for his wife from the Province of Naples. He has told us that you would likely introduce a bill at the next session of Congress that would enable her to become a resident of this country.

Mr. Berg has been employed by our company for a number of years and we have found him not only to be a good workman but also have found that he is a very good citizen. There is no question about his character as we have known him for some time and also know that he comes from a very fine family of Norwegian extraction. We feel certain that after knowing Mr. Berg that anyone he would choose as a wife, as he did when he was in Italy, would undoubtedly be a worthwhile citizen.

Anything you can do toward helping Mr. Berg with his problem would be greatly appreciated by us.

Yours very truly,

D. D. DASHNEY, *Vice President.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 4015) should be enacted.

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Calendar No. 2508

84TH CONGRESS } SENATE { REPORT
2d Session } { No. 2474

JOSE MARIA ARIAS-ORTEGA

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3191]

The Committee on the Judiciary, to which was referred the bill (S. 3191) for the relief of Jose Maria Arias-Ortega, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 7, beginning with the word "Upon", strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Jose Maria Arias-Ortega. The bill provides for the payment of the required visa fee. The bill has been amended to delete the quota charge, inasmuch as the beneficiary is entitled to nonquota status as a native of Mexico.

STATEMENT OF FACTS

The beneficiary of the bill is a 37-year-old native and citizen of Mexico, who entered the United States at the age of 2. He is a widower and his three children are citizens of the United States. A son is presently serving in the United States Army. In November 1945 he returned to Mexico for a 1-day visit and reentered without proper documents. The beneficiary served in the United States Navy in 1945 and was honorably discharged. While an administrative remedy appears to be available if the beneficiary were to return to Mexico for the issuance of a nonquota immigrant visa, the committee is of the opinion that it would be an extreme hardship for him to do so.

A letter, with attached memorandum, dated May 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Com-

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missioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3191) for the relief of Jose Maria Arias-Ortega, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

It appears that the beneficiary is eligible to nonquota status, and, if otherwise qualified, able to obtain a nonquota immigrant visa.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JOSE MARIA ARIAS-ORTEGA, BENEFICIARY OF S. 3191

The beneficiary, Jose Maria-Ortega, a native and citizen of Mexico, was born on June 11, 1919. He is a widower. His three children are citizens of the United States. A son is serving in the United States Army. Two daughters and a granddaughter reside with him at 1601 Dyke Avenue, Grand Forks, N. Dak.

The beneficiary is employed as a fireman by Armour & Co. He attended elementary school for 3 years at Laredo, Tex. He earns $83 a week. A half brother and half sister reside at Laredo, Tex.

The beneficiary first entered the United States when 2 years of age. He returned to Mexico in November 1945, for a visit of less than 1 day. Deportation proceedings were instituted on February 6, 1952, on the ground that he entered the United States without proper documents. His application for suspension of deportation was granted. However, the Congress failed to pass a resolution favoring suspension of his deportation. On January 6, 1956, the beneficiary was granted the privilege of departing voluntarily from the United States with the provision that failure to depart would result in his deportation.

The beneficiary was inducted into the United States Navy on June 29, 1945, and served until October 13, 1945, when he was discharged under honorable conditions. He has testified that his discharge was for medical reasons.

The beneficiary was arrested at Grand Forks, N. Dak., on June 24, 1955, on a charge of furnishing liquor to minors.

Upon his plea of guilty he was fined $100 and costs. A 30-day jail sentence was suspended. A similar charge, filed against him on March 29, 1956, was dismissed for lack of evidence.

Senator William Langer, the author of the bill, has submitted the following information in connection with the case:

ST. MICHAEL'S CHURCH
Grand Forks, N. Dak., February 8, 1956.

Hon. WILLIAM LANGER,
Senate Office Building, Washington, D. C.

Dear SENATOR LANGER: I am making an appeal to you on behalf of Jose Maria Arias-Ortega, of Grand Forks, a member of my parish. Mr. Arias is a Mexican in danger of imminent deportation. I am enclosing a copy of the findings of the Immigration and Naturalization Service in his case.

Mr. Arias is a good citizen, steadily employed by Armour's here in Grand Forks. He entered this country as an infant in 1922 and has resided here ever since. At a hearing in January he was asked to gather documents proving his continuous residence in the United States since 1924. Some of these documents have been gathered, but not all that were requested. Since the documents were not submitted within the specified time, the order of deportation was issued. However, the documents he has gathered do indicate, except for a few very brief lapses, that he has resided in the United States continuously since 1924.

Mr. Arias has been a widower since May 15 of this year. His four children depend upon him completely for support. Should he be deported these children would be deprived of their home and become a burden on the State.

I appeal to you therefore to introduce a private bill in Congress whereby Mr. Arias would be permitted to remain in the country and to become an American citizen.

Thanking you in advance for your kind attention in this matter, I am,

Very sincerely yours,

WILLIAM MCNAMEE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3191), as amended, should be enacted.

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Calendar No. 2509

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2475

SERGIUS KUSMIN AND HIS WIFE, IRENE KUSMIN

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3306]

The Committee on the Judiciary, to which was referred the bill (S. 3306) for the relief of Sergius Kusmin and his wife, Irene Kusmin, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 8, beginning with the word "Upon", strike the remainder of the bill and add the following:

> *Provided*, That in the case of Sergius Kusmin, he shall be required to comply with such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Sergius Kusmin and his wife, Irene Kusmin. The quota charges have been deleted, inasmuch as the beneficiaries were charged to the appropriate quota when their visas were issued. The bill has been further amended to provide for the posting of a bond as a guaranty that the male beneficiary will not become a public charge.

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STATEMENT OF FACTS

The beneficiaries of the bill are a 62- and 49-year-old couple, natives of Russia, who claim to be stateless. They entered the United States in 1951 as displaced persons. On arrival, it was found that the male beneficiary had tuberculosis and they were paroled into the United States. He was hospitalized and when released, he accepted a position as instructor in the Russian language at the Army Language School at Monterey, Calif. After teaching for less than a year, he returned to the hospital and is now a patient at Craig Colony at Lakewood, Colo. The female beneficiary has been employed but at the present time is unemployed. However, a benefactor has guaranteed that the beneficiaries will never become public charges.

A letter, with attached memorandum, dated May 29, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 29, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3306) for the relief of Sergius Kusmin and his wife, Irene Kusmin, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Denver, Colo., office of this Service, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fees. It would also direct that the required numbers be deducted from the appropriate immigration quota or quotas.

It should be noted that the aliens were charged to the appropriate quota when they were issued immigration visas on August 27, 1951. The committee may wish to amend the bill by deleting the portion which makes reference to this requirement.

It appears that the male beneficiary is inadmissible to the United States at this time under section 212 (a) (6) of the Immigration and Nationality Act, as one afflicted with tuberculosis.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SERGIUS KUSMIN AND HIS WIFE, IRENE KUSMIN, BENEFICIARIES OF S. 3306

Sergius Kusmin was born on December 15, 1893. His wife, Irene Kusmin, nee Bulmerincq, was born on August 4, 1906. Both were born in Russia but now are stateless. They were married on March 12, 1949, in Brussels, Belgium. They have no children.

Mrs. Kusmin, although presently unemployed due to a physical ailment, has worked as a maid, saleslady, and artist. She completed

5 years of schooling in Estonia. She lives in Denver, Colo. Mr. Kusmin is a patient at Craig Colony, in Lakewood, Colo., a Denver suburb where he has been under treatment for active pulmonary tuberculosis since October 19, 1953. Prior to that time he was hospitalized at National Jewish Hospital in Denver, Colo., from February 1952 to October 1953, except for a period of 6 months when he was employed as an instructor of the Russian language at the Army Language School, Monterey, Calif. He attended school for 13 years in Russia and graduated from the Polytechnical Institute of St. Petersburg in 1916. He is a heating engineer by occupation. Their assets total approximately $200. A sister of Mr. Kusmin was living in Russia but he has had no contact with her since 1941. The beneficiaries have no other near relatives.

Mr. and Mrs. Kusmin were issued immigration visas at Antwerp, Belgium, on August 27, 1951 as a displaced person and accompanying spouse, respectively. They arrived at New York, N. Y., on the steamship *General Taylor* on November 6, 1951, at which time examination revealed that Mr. Kusmin was afflicted with tuberculosis and, consequently, not eligible for admission. Both were paroled into the United States, Mr. Kusmin for medical treatment and his wife as an accompanying alien, pending outcome of her husband's case. The bond required in connection with the parole was posted by Church World Service, New York, N. Y.

Mr. Kusmin served as an officer in the Russian Imperial Army from 1916 to 1918 and in the Koltchak (White Russian) Army for about a year thereafter. He was on active duty with the Red army for 4 months, prior to his capture by the Germans in November 1941. In April 1945, he was liberated by Armed Forces of the United States.

THE DENVER AREA,
COUNCIL OF THE CHURCHES OF CHRIST,
THE SOCIAL SERVICE DEPARTMENT,
Denver, Colo., October 28, 1955.

Hon. GORDON ALLOTT,
United States Senate,
Post Office Building, Denver, Colo.
(Attention: Mr. Philip J. Mullin.)

DEAR MR. MULLIN: This will confirm our conversation of yesterday in which I inquired about the possibility of a private bill for the admission to permanent residence of Sergius and Irene Kusmin.

As I indicated to you these people arrived at the port of New York on November 6, 1951. There seems to be some question as to whether they came under the Displaced Persons Act of 1948 or as regular quota immigrants and the Immigration and Naturalization Service has not been able to clear this up for us. At any rate, upon their arrival Mr. Kusmin was detained at Ellis Island for medical reasons and was subsequently classified "Class A—TB." He was released from Ellis Island on parole into the custody of the Central Department of Church World Service, of the National Council of Churches, who posted bond No. 15-330-50 (No. 10) on his behalf on February 2, 1952 (see attached copy of conditions of parole).

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Mr. Kusmin was born in Saratov, Russia, on December 15, 1893. His wife, Irene (Tsarskoa) was born August 4, 1906, in Selo, Russia. Their last residence abroad was in Belgium.

Upon Mr. Kusmin's release from Ellis Island he was admitted to National Jewish Hospital in Denver on February 26, 1952. Mrs. Kusmin went to San Francisco to stay with a cousin. Because of the distance involved we have been handling this matter locally for the National Council of Churches.

On June 16, 1952, Mr. Kusmin was released from inpatient to outpatient status in accordance with the conditions of parole. He went first to San Francisco, Calif., to join his wife. In August 1952, he went to Monterey, Calif., to accept work with the United States Army Language School there. At the end of December 1952, routine followup examination showed reactivation of tuberculosis, and Mr. Kusmin was readmitted thereupon to the National Jewish Hospital on January 19, 1953.

In May 1953, the National Jewish Hospital recommended surgery, although aware of the risk involved considering Mr. Kusmin's age. Mr. Kusmin did not want to take the risk. The National Jewish Hospital, being a surgical hospital rather than a sanatorium, felt they could be of no further use in this case. Therefore, arrangements were made to have Mr. Kusmin admitted to Craig Colony in Denver, Colo. He entered Craig Colony on October 19, 1953, and he is still there.

During the last 2 years Mr. Kusmin has had some negative tests but the majority have been positive. His general physical condition is good but the prognosis as far as the tuberculosis is concerned is guarded. At no time during these 2 years has Mr. Kusmin been a bed patient. He is naturally quite depressed and we feel that his chances for recovery would be somewhat changed if he could be treated as an outpatient. This would also be considerably less expensive. We have 2 sources that have been supplying the $140 per month that we are paying for his care at Craig Colony. In both cases, the National Council of Churches and the Oakes Home Trust here in Denver, the situation is subject to review each 6 months. We never know from one 6-month period to the next whether these funds can be continued.

It is our understanding that if Mr. Kusmin were not classified as an alien he would be eligible to be cared for as an outpatient, and that the local public health officer has indicated willingness to supervise his care on an outpatient basis. Furthermore, we have a local person who is willing to assume financial responsibility for Mr. Kusmin, if necessary, if and when he can be released from the sanatorium.

Mrs. Kusmin has worked at the Ben Hur Hotel here in Denver since May 1953. We enclose a letter from her employer and one from her in which she declares that she will be responsible for her husband so that he will not become a public charge. We also enclose a letter from Mr. Kusmin's former employer in the Army.

A great many people in Denver are interested in the welfare of these fine people. We have tried many things but a private bill seems to be the only solution. It may be that you can discover some other possibility. We would greatly appreciate any action on your part which would resolve the difficulty.

Yours sincerely,

DALE DARGITZ, *Director.*

DENVER (3), COLO., *January 30, 1956.*

Senator GORDON ALLOTT,
Senate Office Building, Washington, D. C.

DEAR SENATOR ALLOTT: I understand that you have had the deeply appreciated humanity to prepare a bill before Congress, which will be acted upon during this present session, which would authorize United States citizenship for Mr. (Sergius) and Mrs. (Irene) Kusmin, of Denver, Colo.

I herewith certify that I will be responsible for their never becoming public charges, and cite as a financial reference Mr. John Evans, president of the First National Bank of Denver, Colo. Please let me know if I can be of any further help.

Sincerely yours,

CHARLOTTE B. HOWELL
Mrs. C. B. Howell.

HEADQUARTERS ARMY LANGUAGE SCHOOL,
Presidio of Monterey, Calif., June 21, 1954.

Mr. S. N. KUSMIN,
Denver, Colo.

DEAR MR. KUSMIN: This will confirm the fact that you were employed as an instructor in the Russian language at the Army Language School from July 22, 1952, to May 21, 1953, including sick leave and a 3 months' leave of absence.

The sole reason for your separation from the Army Language School was the discovery of the pulmonary tuberculosis for which you are now undergoing treatment. The civil-service regulations under which you were employed provide that there must be negative findings for a period of 6 months before an employee may be rehired.

This will also certify that the quality of your work as an instructor at this school was excellent in every respect, and in the event of need by this school you would be eligible for consideration for rehiring.

Yours very truly,

D. W. HICKEY, Jr.,
Colonel, Artillery,
Commandant.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3306), as amended, should be enacted.

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Calendar No. 2510

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2476

ROBERTO MARIO BETTINZOLI

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3364]

The Committee on the Judiciary, to which was referred the bill (S. 3364) for the relief of Roberto Mario Bettinzoli, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 7, beginning with the word "Upon", strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Roberto Mario Bettinzoli. The bill provides for the payment of the required visa fee. The bill has been amended to delete the quota charge, since in similar cases where provision is made for the admission of an adopted alien child of United States citizens, he is treated as a nonquota immigrant.

STATEMENT OF FACTS

The beneficiary of the bill is a 9-year-old native and citizen of Italy who last entered the United States on December 5, 1951, at New York, N. Y., as a United States citizen with a passport erroneously issued to him. He is the illegitimate son of a native and citizen of Italy who married a United States citizen in 1948. She became a naturalized citizen of the United States in January, 1951. The stepfather has adopted the beneficiary and the family is presently residing near Tacoma, Wash.

A letter, with attached memorandum, dated May 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Com-

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missioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3364) for the relief of Roberto Mario Bettinzoli, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Seattle, Wash., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROBERTO MARIO BETTINZOLI, BENEFICIARY OF S. 3364

Information concerning the case was obtained from Mrs. Marta Cecilia Renata Bettinzoli, the beneficiary's mother.

The beneficiary, Roberto Mario Bettinzoli, a native and citizen of Italy, was born on March 14, 1947. He is the illegitimate son of Marta Cecilia Renata Bettinzoli and Alexio Simone, a native and citizen of Italy. No marriage of his natural parents has taken place. On January 29, 1948, his mother married Angelo Bettinzoli, a citizen of the United States, and on February 7, 1948, Mr. Bettinzoli adopted the beneficiary in Italy. He resides with his mother and adoptive father at route 2, Box 193, Tacoma, Wash.

Mrs. Bettinzoli was admitted to the United States for permanent residence at New York, N. Y., on July 29, 1948, and was naturalized as a citizen of the United States on January 29, 1951. On April 30, 1951, Mrs. Bettinzoli filed a petition for the issuance of a nonquota immigrant visa in the beneficiary's behalf. A notice of the approval of the petition was forwarded to the American consul at Milan, Italy. The American consul ruled that the beneficiary was a citizen of the United States and on November 21, 1951, issued him a United States passport. On December 5, 1951, the beneficiary was admitted to the United States as a United States citizen at New York, N. Y. The beneficiary's erroneous admission to the United States as a United States citizen was not discovered until an application for certificate of citizenship was filed in his behalf on March 7, 1955. On September 29, 1955, this application was denied on the ground that no legal relationship existed between Roberto

Mario Bettinzoli and his mother, Marta Cecilia Renata Bettinzoli.

Angelo Bettinzoli is a partner in a cooperative truck-farming enterprise known as the Colonial Gardens, Inc., located near Tacoma, Wash. He has an equity in this business valued at $8,000, from which he receives an income of approximately $5,400 a year. His assets consist of a house valued at $8,000, personal property and automobile valued at $5,000 and about $1,000 in cash. Mr. and Mrs. Bettinzoli have 2 other children, ages 4 and 6, both of whom were born in Tacoma, Wash.

Senator Warren G. Magnuson, the author of the bill, has submitted the following information in connection with the case:

FEBRUARY 22, 1956.

In re Roberto Mario Bettinzoli, Route 2, Box 193, Tacoma, Wash., A8,912,824.

Hon. WARREN G. MAGNUSON,
United States Senator,
Senate Office Building, Washington, D. C.

DEAR SENATOR MAGNUSON: I have contacted Mrs. Maude Hobbs with my problem and she advises me to write directly to you concerning my case. I am sending you a résumé of the case as follows:

My son, the above-named boy, was born on March 14, 1947, in Brescia, Italy. On January 29, 1948, I, Marta Cecilia Renata Bettinzoli, mother of the child, was married in Agnosine, Province Brescia, Italy, to Angelo Bettinzoli, an American citizen. On February 7, 1948, Angelo Bettinzoli adopted my son. The adoption papers are on file with the notary public, Mr. Vittorio Vanzo, a resident of Vestone, Brescia, Italy. My husband returned to the United States in February of 1948 and I joined him on July 28, 1948. I left my boy with my parents in Agnosine, Brescia, Italy. On January 29, 1951, I became a naturalized United States citizen. I was naturalized in the United States District Court of Western District of Washington, southern division, Tacoma, Wash., my passport number being 6807290. I then immediately filed a petition for my son to join me here in Tacoma, Wash.

An Italian passport was issued to my son on September 20, 1951, at Agnosine, Italy, but the American consul informed my family that the boy must have a United States passport. This is where the trouble began. My maiden name, Marta Cecilia Renata Bettinzoli is exactly the same as my married name, Marta Cecilia Renata Bettinzoli. Therefore, it was assumed by the American consul that Angelo Bettinzoli, my husband, was the father of the child, which he is not. On November 29, 1951, the American consul in Milan, Italy, issued my son, Roberto Mario Bettinzoli, a United States passport No. 425. This explains why my son entered in New York on December 5, 1951, as a United States citizen.

Knowing that my son was not a United States citizen, I went to the Immigration and Naturalization Service in Tacoma, Wash., for further information. It was then that I was told my son was erroneously admitted as an American citizen on December 5, 1951, at New York. The investigator, Mr. Oval G. Martin, made application

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for an amendment of the record of admission to the regional commissioner, northwest region, St. Paul, Minn. On February 9, 1956, I received an unfavorable reply. I was told my son was required to be in possession of a quota immigration visa on his arrival at New York on December 5, 1951, therefore his record of entry could not be amended. I was also told that he is not eligible for preexamination to enable him to go to Canada and obtain an immigrant visa and reenter the country because the Italian quota is presently oversubscribed.

Upon receipt of this letter, I personally contacted the district director of immigration and naturalization Service in Seattle, Wash. I was advised that as my boy comes under the fourth preference, it might be difficult to obtain a quota status for him. I was also advised that the initiation of a private bill would tend to clarify this problem at an early date. It is imperative that this problem of my son's record of entry be clarified as soon as possible, in order to avoid any possibility of deportation.

The complete file on my son, Roberto Mario Bettinzoli, is on file with the district director, United States Immigration and Naturalization Service, 815 Airport Way, Seattle, Wash. Also, all documents concerning my file are in the Seattle office.

Thanking you in advance, I remain

Sincerely,

Mrs. MARTA CECILIA RENATA BETTINZOLI,
Route 2, Box 193, Tacoma, Wash.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3364), as amended, should be enacted.

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Calendar No. 2511

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2477

MANUEL SOUZA NOVO

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3537]

The Committee on the Judiciary, to which was referred the bill (S. 3537) for the relief of Manual Souza Novo, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 7, strike the "s" in the word "fees".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Manuel Souza Novo. The bill provides for an appropriate quota and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 49-year-old native and citizen of Portugal who last entered the United States as a stowaway at Boston, Mass., in 1940. He had previously entered the United States as a stowaway at New York in 1927 and was deported in 1932, and he did not obtain permission to reapply for admission to this country. The beneficiary is employed as hoist operator in a mine at Winnemucca, Nev. He has had over 21 years' residence in the United States and has maintained an excellent record while here.

A letter, with attached memorandum, dated May 31, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 31, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3537) for the relief of Manuel Souza Novo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Portugal.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MANUEL SOUZA NOVO, BENEFICIARY OF S. 3537

Manuel Souza Novo, also known as Manuel Souza, Jr., a citizen of Portugal, was born on December 7, 1906, in Garcao, Arcos de Valdeves, Portugal. He is single and lives in a hotel at Winnamucca, Nev. He is employed in a mine there as a hoist operator at a salary, with overtime, of $450 to $500 monthly. His assets consist of $500 cash, money loaned to friends, amounting to $2,500, and an automobile valued at $50. The beneficiary attended school for 1 year. His parents, one brother, and a sister live in Portugal. The location of his other brother is unknown.

The beneficiary last entered the United States as a stowaway on an unknown ship at Boston, Mass., in March 1940. Deportation proceedings were instituted against him on May 19, 1955, on the ground that at the time of entry he was a stowaway. A special inquiry officer, on November 2, 1955, found him to be deportable, denied him suspension of deportation, and granted him the privilege of voluntary departure with the alternative of deportation should he fail to avail himself of that privilege. The Board of Immigration Appeals dismissed his appeal on April 16, 1956.

Mr. Novo testified at his deportation hearing before this Service that he previously entered the United States as a stowaway at New York, N. Y., in March 1927; that he was deported from the United States in 1932; and that following his arrest and deportation he had not obtained permission to reapply for admission to this country.

Senator Alan Bible, the author of the bill, has submitted the following information in connection with the case:

RENO, NEV., *March 5, 1956.*

Senator ALAN BIBLE,
United States Senate,
Washington, D. C.

DEAR SENATOR BIBLE: Enclosed is a copy of the report on one Manuel Souza Novo. I am writing this letter as a request to you to introduce a bill for the relief of this individual, so that he will not be deported. I believe that his record is such that you could, in good conscience, be the sponsor of such a bill.

I have had numerous interviews with Mr. Novo, and find him to be a fine gentleman and a hard-working individual. He has been in this country for approximately 15 years, and did, during the war, perform valuable services in numerous mining operations in central Nevada. If your office could be so kind as to sponsor such a bill, I would greatly appreciate it.

Kindest personal regards.

Yours truly,

PAUL A. RICHARDS.

RENO, NEV., *March 13, 1956.*

Re Manuel Souza Novo, A5078147.

Senator ALAN BIBLE,
United States Senate, Washington, D. C.

DEAR SENATOR BIBLE: In reply to your letter of March 8, 1956, I wish to inform you that we have appealed to the Immigration Service from the report of the special inquiry officer. This appeal was made on November 22, 1955, to the district director of the Immigration Service in San Francisco. I have heard nothing from the district director concerning this appeal since that date.

I realize that Mr. Novo's case may be looked upon with askance. I do believe, however, that under the circumstances his case has merit. I have looked into this matter thoroughly, and I do believe that he is deserving of some aid in endeavoring to keep him in this country. He is a man reaching middle age, and has no other home than the home that he has built for himself in the United States. Although his presence is illegal in the technical sense, he has roots in this country. He has been in this country approximately 21 years out of the last 29 years. The law abiding immigrants have not planted themselves in the United States as this man is planted at the present time. Before uprooting him, I have sought aid for him to keep him in this country.

Mr. Novo came to this country in 1927 and remained here until 1932. He returned in 1940 and has been present in this country since that date. He has no close family in Portugal, and all of his friends and acquaintances live in Winnemucca, Nev. He has joined lodges and other organizations in this country, and has carried out his duties as best he could as a resident of this country.

Your kind consideration of this matter, as set forth in my two letters, will be greatly appreciated.

Kindest personal regards.

Yours truly,

PAUL A. RICHARDS.

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UNITED STATES DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

File: A5078147, San Francisco (Reno).
In re Manuel Souza Novo, in deportation proceedings.
In behalf of respondent: No one.

Charges:

Warrant: Immigration and Naturalization Act, Act of 1917, Excludable at time of entry, stowaway.

Lodged: None.

Application: Suspension of deportation.
Detention status: Released on conditional parole.
Warrant of arrest served: May 19, 1955.

Discussion

This record relates to a 48-year-old single male, a native and citizen of Portugal, who last entered the United States at the port of Boston, Mass., in approximately March 1940, as a stowaway on an unknown vessel. The respondent testified that at the time of his last entry, he was coming to the United States to work and to reside permanently. He was not inspected and admitted. On the basis of the evidence of record, it is concluded that the respondent is subject to deportation on the charge set forth in the warrant of arrest which is fully sustained.

The respondent has submitted form I–256A applying for the privilege of suspension of deportation. The record shows that the respondent has no close relatives in the United States. He is working in a mine as a hoist man. He has assets in the amount of $3,000 cash savings and an automobile valued at $200. The respondent has no criminal record, and a check of the local and Federal agencies does not disclose that he has any subversive connections. The respondent has submitted ample proof of his good moral character for more than the past 7 years. The record also shows that the respondent first came to the United States in approximately March 1927, residing here until May 1932, when he was deported from the United States to Portugal from New York. The respondent testified that he applied for permission to reapply for admission to the United States subsequent to deportation, but was advised in writing that he would have to make his application to the Secretary of Labor, which he failed to do. He admits that he did not receive permission from the proper authorities to return to the United States and he is therefore subject to deportation on such a charge. The charge was not lodged, however, as it is considered unnecessary at this time.

The respondent was unable to testify or to furnish any evidence to show that he would suffer an exceptional or unusual hardship as the result of being deported. It is therefore concluded that although the respondent has sufficient residence to make him statutorily eligible for suspension of deportation, that the privilege must be denied as a matter of administrative discretion for failure to show that deportation would result in exceptional or extremely unusual hardship. It is concluded however that the respondent is statutorily eligible for voluntary departure, and it is felt that because of his excellent record while a resident of the United States that he should be granted an opportunity to depart voluntarily from the United States. Voluntary

departure will therefore be authorized in the event he desires to take advantage of this privilege.

The respondent testified that in the event of deportation he would desire to be returned to Portugal.

Findings of fact

Upon the basis of all the evidence presented, it is found:

(1) That the respondent is an alien, a native and citizen of Portugal;

(2) That the respondent last entered the United States at the port of Boston, Mass., on or about March 1940, as a stowaway on an unknown vessel.

Conclusions of law

Upon the basis of the foregoing findings of fact, it is concluded:

(1) That under section 241 (a) (1) of the Immigration and Nationality Act, the respondent is subject to deportation on the ground that at the time of entry he was within one or more of the classes of aliens excludable by the law existing at the time of such entry, to wit, a stowaway under section 3 of the act of February 5, 1917.

Order

It is ordered that the respondent be granted voluntary departure at his own expense in lieu of deportation within such period of time or authorized extensions thereof and under such conditions as the district director or officer in charge having administrative jurisdiction of the office in which the case is pending shall direct.

It is further ordered that if the respondent fails to depart, when and as required, the privilege of voluntary departure shall be withdrawn without further notice or proceedings and the respondent deported from the United States in the manner provided by law on the charge contained in the warrant of arrest.

ROBERT S. DEMOULIN,
Special Inquiry Officer.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3537), as amended, should be enacted.

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Calendar No. 2512

84TH CONGRESS
2d Session

SENATE

REPORT
No. 2478

STYLIANOS LECOMPLES

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3557]

The Committee on the Judiciary, to which was referred the bill (S. 3557) for the relief of Stylianos Lecomples, having considered the same, reports favorably thereon with an amendment and recommends tha the bill, as amended, do pass.

AMENDMENT

In line 7, beginning with the word "Upon", strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended is to grant the status of permanent residence in the United States to Stylianos Lecomples. The bill provides for the payment of the required visa fee. The quota charge has been deleted, inasmuch as the beneficiary is entitled to nonquota status as the husband of a citizen of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 36-year-old native and citizen of Greece, who last entered the United States on June 19, 1954, at Eureka, Calif., as a crewman. His first entry was in 1949 as a crewman and he continued to follow his calling as a seaman, making several entries. He was married to a United States citizen in October 1952 and has a 6-months-old citizen child. The beneficiary is presently employed as a cabinetmaker and resides with his wife and child in Long Island, N. Y. He was granted the privilege of preexamination, but was unable to avail himself of it because of two convictions for minor thefts in Greece during the German occupation in World War II.

A letter, with attached memorandum, dated May 28, 1956, to the chairman of the Senate Committee on the Judiciary from the Com-

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missioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 28, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3557) for the relief of Stylianos Lecomples, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y. office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

It appears that the beneficiary is eligible to nonquota status and, if otherwise qualified, able to obtain a nonquota immigrant visa.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE STYLIANOS LECOMPLES, BENEFICIARY OF S. 3557

The beneficiary, Stylianos Lecomples, is a native and citizen of Greece who was born on April 28, 1920. He was married to Pangiota Paulos, a United States citizen, in New York City, on October 20, 1952. They reside at 30–03 Newton Avenue, Astoria, Long Island, N. Y., with their 6-months-old American-born child. Mr. Lecomples is employed as a carpenter in Long Island City, N. Y., and earns $108 per week. His family is entirely dependent upon him for support. His assets, which are owned jointly with his wife, consist of $4,000 in a savings account, an automobile valued at $1,000 and personal property worth about $2,000. His mother and two brothers are natives and residents of Greece. He also has two brothers who reside in Canada.

The record indicates that the beneficiary was tried and convicted on two occasions in Greece in 1943 for breaking into and entering a store and the theft of merchandise. He stated that because of this record the American consul at Hamilton, Bermuda, British West Indies, refused to issue him an immigrant visa in June 1953.

Mr. Lecomples first came to the United States in 1949 as a crewman. He was the subjec of deportation proceedings on several occasions but departed from the United States voluntarily in each instance. He last entered the United States as a crewman on June 19, 1954, at Eureka, Calif., and remained. Deportation proceedings were instituted on August 9, 1955, on the ground that he remained in the United States beyond the authorized period of his admission.

On August 31, 1955, after a hearing, he was granted voluntary departure in lieu of deportation with the alternative of deportation if he failed to comply. An appeal from this decision, and the alien's request that preexamination be authorized, were denied by the Board of Immigration Appeals, on February 1, 1956, on the ground that the alien appears to be inadmissible to the United States because of his conviction on two occasions of crimes involving moral turpitude.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information concerning the beneficiary's convictions.

A letter dated January 6, 1954, to Senator Irving M. Ives from the Director of the Visa Office, Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, January 6, 1954.

Hon. IRVING M. IVES,
United States Senate.

MY DEAR SENATOR IVES: I refer to your communication of December 1, 1953, with which you transmitted the attached letter from Mrs. Pamagiota Lecomples, 32-65 30th Street, Astoria, Long Island, N. Y., relative to her desire to have her husband, Mr. Stylianos Vasilios Lecomples, admitted into this country for permanent residence. Reference is also made to the interim telephone acknowledgment on December 7.

The records of the Department show that Mr. Lecomples filed an application for a nonquota immigrant visa at the American consulate general at Hamilton, Bermuda. Information obtained in connection with his case revealed that he was convicted of robbery on July 8, 1943, and again on January 19, 1944, on the same charge. Mr. Lecomples admitted that he was arrested twice and convicted on a charge involving moral turpitude.

Section 212 (a) (9) of the Immigration and Nationality Act renders ineligible to receive visas persons who have been convicted of or admit having committed a crime involving moral turpitude. Since the crime of which Mr. Lecomples was convicted is considered to involve moral turpitude within the meaning of this provision of law, the consular officer concerned had no alternative but to refuse him an immigrant visa.

With reference to Mrs. Lecomples' statements to the effect that her husband's criminal record has been considered void by the Greek authorities, it is desired to point out that the authorities of this Government have held that a document canceling a criminal record thus enabling an alien to present a clear judicial record in no manner removes the moral turpitude grounds existing in an alien's case.

The laws vest no discretionary authority in the Department to authorize or in consular officers to issue immigrant visas to aliens who have admitted or have been convicted of a crime involving moral turpitude, even though there may have been extenuating circumstances in connection with the commission of the crime, and the alien's conduct since conviction has been exemplary.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

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Senator Irving M. Ives, the author of the bill, has submitted numerous letters and documents in connection with the case, among which are the following:

IN THE CONGRESS OF THE UNITED STATES OF AMERICA

STATEMENT IN SUPPORT OF ENACTMENT OF LEGISLATION FOR RELIEF

In the Matter of Stylianos Lecomples

(United States Immigration and Naturalization Service, file Nos. A–9,952,894 New York No. 0300–429,960)

First: This statement is made by Paula (Panagiota), Lecomples, nee Poulas, who was born April 7, 1923, at Chicago, Ill., as per photostat of her birth certificate annexed hereto and her knowledge and information regarding the facts hereinafter set forth are based upon the fact that she is the wife of the subject hereof Stylianos Lecomples, as appears from annexed photostat of their marriage certificate dated October 20, 1952, and the further fact that she is the mother of their son (Bill) Lecomples who was born November 9, 1955, in Astoria, Long Island, N. Y., as appears from his annexed birth certificate.

Relator and her said infant son constitute their immediate family and close relatives of the subject in the United States. They reside together at 30–03 Newtown Avenue, Astoria, Long Island, N. Y., and their sole means of support is derived from employment of the subject as a skilled cabinetmaker at a weekly rate of $108 before taxes, as appears from letter of his present employer Jaff Bros. Woodworks, Inc., 41–43 37th Street, Long Island City, N. Y., and letter of his immediately previous employer Frank Chase Cabinet Makers, Inc., 334–342 East 27th Street, New York, N. Y., both annexed hereto. Their small apartment at the above address is modestly but adequately furnished and equipped.

Second: Circumstances surrounding the subject's last entry into the United States are that he entered at Eureka, Calif., on or about June 9, 1954, on the steamship *Santa Elena* as a bona fide nonimmigrant crewman as defined in section 101 (a) (15) (D) of the Immigration and Nationality Act of 1952 and was given shore leave pursuant to section 252 (a) (1) of that act. He did not depart on that vessel but proceeded to New York to join your relator, his American citizen wife with the idea of thereafter proceeding to Greece to adjust certain matters there in the hope that by doing so he would become eligible for lawful entry into the United States for permanent residence as the husband of an American citizen.

Third: The subject is not outside the United States but since June 1954, has been residing in Astoria, Long Island, N. Y., with your relator. The reason for his inadmissibility, and the necessity for special legislation for his relief, are set forth in the next succeeding paragraph.

Fourth: The subject's present immigration status is that on August 31, 1955, after a hearing, a special inquiry officer of the Immigration Service at New York, granted him permission to depart voluntarily from the United States at his own expense in lieu of deportation because he was the husband of a native-born American citizen. Said decision was affirmed by the Board of Immigration Appeals at

Washington, on February 1, 1956. Photostat copies of both said decisions are hereunto annexed. Said decisions rest upon the following facts:

That the sole bar to his remaining here to maintain and support his American citizen wife and infant child are two minor offenses in 1943, when he was only 23 years of age, which since have been expunged from his record by Greek Government amnesty. The subject was born at Salonika, Macedonia, Greece, April 28, 1920, and is now nearly 36 years of age. On October 10, 1932, after completing grade school, he was apprenticed to the trade of cabinetmaker and carpenter in the furniture shop of Nicholas Zerakis at 44 Metropoleos Street, Salonika, Greece, and continued therein until December 10, 1934, a period of 2 years and 2 months. During the period from June 8, 1935, to July 5, 1937, a period of 2 years and 1 month, he worked as a furniture maker in the shop of Apostolos Voulonis, 113 Tsimiski Street, Salonika, Greece.

On May 10, 1938, he resumed his employment with said Apostolos Voulonis at the same address, and continued therein until June 15, 1939, a period of 1 year and 1 month. The foregoing employment record running from October 10, 1932, until June 15, 1939, nearly 7 years, is established by annexed photostats and their English translations of his employment booklet No. 764, issued by the Carpenters' Union of Salonika on June 22, 1940. During the 6 months between December 10, 1934 and June 8, 1935, and the 10 months from July 5, 1937, to May 10, 1938, he worked at his trade for the furniture factory of Dagdineli in Salonika, but, unfortunately, such service is not mentioned in his union book. Immediately after concluding his said employment at the Voulonis furniture factory on June 15, 1939, he went to Athens, Greece, and volunteered to join the Greek Navy but failed because only 145 applicants were accepted out of a group of 3,000 men. He then returned to Salonika and reentered the furniture factory of Voulonis, where he continued until the German occupation of Greece in October 1940. Thereupon all business activities in Greece ceased to operate in a normal manner and there was much hardship and suffering among the Greek people.

During the nearly 3 years until July 6, 1943, the subject, a skilled cabinetmaker and carpenter, worked at everything and anything that he could find to do, from stevedoring to ditch digging to earn a pittance for the support of his parents and three younger brothers. Meanwhile, in about December 1941, his father, Vasilios, died leaving the subject's mother, Chrysanthe and children, Socrates about 7 years old, Achilles about 11 years old, Ioannis about 18 years old, Stylianos (the subject hereof) about 21 years old, and Georgios about 31 years old. However, the subject was the only available means of support in Salonika for his mother and the two youngest children because Ioannis was away performing more or less forced labor in Germany and Georgios was married and had all that he could do to support his wife and two children.

On July 6, 1943, his family's economic condition being desperate, the subject with one Ioannon Siala, entered a store in Salonika, which was owned by one Naoum Hamhi, a Jewish merchant who had been transported to Germany by the German invaders, and took from same four bags of fabrics of little value. They were apprehended. The Salonika magistrates court in sentencing stated "The subject of the

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robbery is not of any particular value," and imposed 3 months' imprisonment with the option of paying 300 drachmas per day for the term in lieu of imprisonment, a purely nominal sum, which subject managed to raise and pay. Thereafter, he resumed his efforts to support the family by means of odd jobs but conditions continued to worsen, with the result that on January 12, 1944, in desperation, with one Constantine Theodore Mantjouni, he entered the store of one Elias Eliadon in Salonika and took therefrom some fabrics, thread, stockings, etc. They were apprehended and on January 16, 1944, the court stated "The subject of robbery is not of any particular value," and imposed imprisonment of 6 months, again with the option of paying 300 drachmas per day for the term in lieu of imprisonment.

The irony of the situation is emphasized by the fact that at the times of both said arrests and convictions friends came forward to furnish the money to pay the fines of 300 drachmas per day to eliminate the necessity of imprisonment, and that, if they had helped him and his family to the same extent before the commission of said acts, he would not have been driven by desperation to commit same. In any event he was not subjected to any actual imprisonment in either instance.

The first sentence above mentioned, No. 3477 of July 8, 1943, and the second sentence No. 170 dated January 19, 1944, with English translations thereof, are part of the immigration record which was before the Board of Immigration Appeals on December 19, 1955, and they constitute the sole basis upon which that Board rests its very sympathetic decision of February 1, 1956, hereinafter referred to. A copy of the English translation of each of said sentences is attached hereto.

After said sentence of January 19, 1944, the subject resumed employment at various odd jobs until later in 1944 when the Germans withdrew from their occupation of Greece. Then conditions improved. Reconstruction work commenced and the subject was able to secure employment as a carpenter until April 1945, when he returned to his trade as a cabinetmaker in the furniture factory of Ionnis Voulgaris, 34 Dimitrakopoulis, Athens, Greece, where he continued to be employed until May 1947, more than 2 years, as appears from the letter of said Voulgaris, dated May 29, 1947, with English translation attached hereto.

Meanwhile, the Greek Government Council enacted Greek Obligatory Law No. 753, which was published in the Greek Government Gazette No. 311, part A–21 on December 21, 1945, and canceled all crimes and offenses, and judgments of conviction for crimes and offenses which had occurred during the period between April 27, 1941, and February 12, 1945, and which, of course, canceled subject's above-mentioned convictions in 1943 and 1944.

In the summer of 1947, his record having been thus cleared and as Greece was beginning to rebuild its merchant marine, the subject applied for and received from the Greek Ministry of Marine, a seaman's book permitting him to work at sea. In August 1947 he commenced working on various freight steamships as a carpenter and continued to work at sea thereafter until his said last entry into the United States in June 1954 on the Steamship *Santa Elena*. The commencement of his sea service in August 1947 and subsequent sea service until November 20, 1953, is attested to by the annexed certificate of

the royal consulate general of Greece at New York, dated November 20, 1953. During his period of sea service he served honorably and well on various American vessels, for instance, from October 25, 1951, through March 24, 1952, he served on the Steamship *Liberty Bell;* from July 16, 1952, until August 22, 1952, he served on the Steamship *Golden City*, and was discharged at New York. Photostats of his honorable discharges from said American vessels are attached hereto.

Meanwhile, during his stays ashore he had become acquainted with your relator, then Paula (Panagiota) Poulos. He informed her regarding his 2 arrests in 1943 and 1944, but because he had paid the fines and had not been subjected to any imprisonment and also because of the Greek Government's cancellation of all convictions for offenses of that type committed during the desperate war years between 1941 and 1945 both relator and the subject reasonably believed that said offenses had been wiped out and would not constitute a bar to their marriage to each other and his subsequent entry into the United States for permanent residence as the husband of a native-born American citizen.

Accordingly, and fully relying upon such belief your relator and the subject hereof, were duly married on October 20, 1952, in the city of New York, as appears from annexed photostat of their marriage certificate.

After said marriage your relator duly executed a petition to the immigration authorities for the issuance to her subject husband of an immigration visa by the American consulate general at Hamilton, Bermuda, which petition was approved by the United States immigration authorities and forwarded to said consulate general for processing.

Meanwhile, instead of remaining ashore in violation of the immigration laws, on November 13, 1952, the subject shipped out on the American Steamship *Steel Worker* and continued thereon until he was discharged in New York, on March 2, 1953, as appears from annexed photostats of his discharges from said vessel.

Meanwhile, the said petition of relator and his American citizen wife, having been approved by the United States immigration authorities, he proceeded to Hamilton, Bermuda, to formally apply for and receive immigration visa from the American consulate general there as the husband of an American citizen.

Among other documents which the subject had to submit to the American consulate general at Bermuda were certificates from the Greek Government that his penal record was clear and that he was not a fugitive from justice, which he duly submitted. Annexed hereto is Greek Certificate No. 1325 with English translation showing that he was not a fugitive from justice. Also annexed hereto is Greek Certificate No. 4930 with English translation showing his penal record as "none." However, this notation is followed by the words "Act No. 753/1945" indicating that any and all derogatory items had been expunged from his record by such act of amnesty. In all such cases it was and is the practice of American consulates to communicate with the chief American consular office in the applicants native country to ascertain from local records whether or not the applicant has been convicted of crimes involving moral turpitude, has been mixed up in subversive affairs, etc. This was done in the case of the subject and the report came back from Athens to Bermuda that he had been con-

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victed in 1943 and 1944 of the offenses mentioned above. Therefore, notwithstanding their expressed sympathy with the subject, the American consular authorities in Bermuda felt obliged to refuse him the desired immigration visa. The subject remained in Bermuda from April until August 1953 making every possible effort to secure the visa to rejoin the relator, his American citizen wife, but without avail.

Finally, on August 10, 1953, at Hamilton, Bermuda, he joined the steamship *Cabanos* as a crew member, and thereafter pursued seafaring until his said discharge as a crewman from the steamship *Santa Elena* at Eureka, Calif., on June 9, 1954.

Meanwhile, on December 1, 1953, this relator, his wife, wrote to Hon. Irving M. Ives, United States Senator, asking him to intervene with the Department of State in an endeavor to secure a reconsideration of the consulate's denial of said visa to her subject husband. Under date of January 6, 1954, the State Department replied to Senator Ives, stating in part as follows:

"The records of the Department show that Mr. Lecomples filed an application for a nonquota immigrant visa at the American consulate general at Hamilton, Bermuda. Information obtained in connection with his case revealed that he was convicted of robbery on July 8, 1943 and again on January 19, 1944 on the same charge. Mr. Lecomples admitted that he was arrested twice and convicted on a charge involving moral turpitude. * * *

"Section 212 (a) (9) of the Immigration and Nationality Act renders ineligible to receive visas persons who have been convicted of or admit having committed a crime involving moral turpitude. * * *

"The laws vest no discretionary authority in the Department to authorize or in consular officers to issue immigrant visas to aliens who have admitted or have been convicted of a crime involving moral turpitude, even though there may have been extenuating circumstances in connection with the commission of the crime, and the alien's conduct since conviction has been exemplary."

A photostat of said State Department letter is annexed hereto.

As stated above, after his entry as a crewman in California in June 1954, the subject proceeded to New York with the idea of proceeding to Greece to try to have removed obstacles to his securing an immigrant visa to join his wife in the United States. However, upon reaching New York, he and his wife sought advice and were advised to renew their efforts there, which they have done and are still doing.

Meanwhile, on August 9, 1955, an immigration warrant of arrest was served upon the subject charging him to be in the United States unlawfully because he entered as a crewman and then remained for a longer period of time than authorized by law. He was accorded a hearing and on August 31, 1955, Immigration Special Inquiry Officer Louis Kaye made a decision and order stating:

"The respondent (subject hereof) seeks permission to depart from the United States voluntarily in lieu of deportation. He was married on October 20, 1952, to a native-born citizen of the United States. There are no issue of this marriage, but his wife is alleged to be pregnant. * * *

"The respondent has testified to two arrests in Greece in 1943, and two convictions for what appears to be breaking and entering into a store and the theft of some cotton goods. These offenses, while they

appear to be minor in nature, would nevertheless prohibit the respondent from being found eligible for preexamination. The offenses however do not preclude a finding of eligibility for the relief which the respondent seeks. * * * In view of the respondent's marital status the application will be granted."

A photostat of Officer Kaye's decision is hereunto annexed, and it is clear that he probably would have granted full relief to the subject except that he believed he was estopped by statute.

An appeal was then taken to the Board of Immigration Appeals and on December 19, 1955, the subject, this relator and their 1-month-old baby appeared in person before that Board. On February 1, 1956, the Board rendered a decision, stating:

"The respondent has testified that he was convicted on two occasions in Greece in 1943 for breaking and entering into a store and the theft of merchandise. The provisions of the act of September 3, 1954, are inapplicable in this case inasmuch as the respondent has been convicted of two offenses and the aforesaid Public Law 770 specifically states that this law shall be applied only where there is only one such conviction or offense.

"The respondent on appeal asserted that his citizen spouse had executed a petition for the issuance of a nonquota immigrant visa on his behalf. While we are aware of the appealing factors present in this case, it is our considered opinion that the authorization of preexamination would be of no avail to the respondent by virtue of his having been convicted on two occasions of crimes involving moral turpitude."

A photostat of the Board's said decision is attached hereto, and it is probable that the Board, like the special inquiry officer and the American consulate general at Bermuda previously, felt that the subject's case grew out of wartime conditions, that the 2 petty offenses within 1 desperate 6-month period in 1943–44 during a 36-year life from 1920 to 1956 hardly justified ruining the future lives of his American citizen wife and baby and himself, and would have granted relief except that they believed the statute barred them from doing so.

In brief, the subject and relator have exhausted every possible effort administratively to keep their little family together in the United States, and their only remaining means of doing so is this present application for special legislation for their relief by the Congress of the United States of America, which by Public Law 770, 83d Congress permits the condoning of a single petty offense, on the ground that both offenses in the instant case were petty, occurred within a single 6-month period during an otherwise unblemished life of 36 years, and were inspired only by desperation in wartime.

Fifth: The specific reason the subject desires permanent residence status in the United States is that his wife and infant child are native-born American citizens and he does not want to have them removed from their native land.

Sixth: The subject never has been arrested or convicted for any offense under State or Federal law in the United States, as has been fully established in the course of the visa and immigration proceedings hereinabove referred to.

Seventh: The subject never has been engaged in any activities or had any associations or belonged to any organizations which might be interpreted or alleged to be injurious to the American public interest, as also was fully established in said visa and immigration proceedings.

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Eighth: There are attached hereto letters from the subject's former employer and present employer, Frank Chase Cabinet Makers, Inc., and Jaff Bros. Woodworks, Inc., as to his good character and industry. To these relator also adds her own statement that the subject is of good moral character, works steadily and industriously at his trade of cabinetmaking, is temperate, and a good husband and father.

Wherefore, your relator most respectfully prays that the Congress of the United States of America enact special legislation for the relief of the subject and his American citizen wife and child to the end that they may continue to reside together permanently in the United States of America.

PAULA (PANAGIOTA) LECOMPLES.

Dated at New York, N. Y., March 19, 1956.

THE COURT OF SALONICA'S MAGISTRATES

(No. 3.477)

For the following:

Deciding an action at which both accused parties are present: (1) Alexander Ioannou Siala, and (2) Stylianos Vassiliou Lecomples both residents of Salonica. Proclaim both guilty that both for common interest decided and executed the following punishable act and for which both mutually concluded to assist in Salonica the 6th day of July 1943, both knowing took in their possession and without the consent of the owner Mr. Naoum Hamhi strange belongings, namely, four bags full of different fabrics to have in their possession against the law. The subject of robbery is not of any particular value.

Both proclaimed guilty are sentenced in imprisonment of 3 months each whom after their application change to 300 drachmas daily and the expenses of the case and also taxes.

This was reviewed and published immediately before the audience.

H. KAPPOS, *The President.*
N. KARATHANASSIS, *The Secretary.*

Exact copy of Salonica.

(Signature illegible),
The Secretary of Jury.

At Salonica, Greece, July 8, 1943.

Please note: Copies of the original Greek document and the English translation thereof as above, are in the files of the American consulate general at Hamilton, Bermuda, as part of subject's application for an immigrant visa as the husband of an American citizen.

(No. 170)

THE COURT OF MAGISTRATES OF SALONICA

For the following:

Deciding an action at which both accused Constantine Theodore Mantjouni and Stylianos Vassiliou Lecomples, both residents of Salonica, proclaims both guilty that both for common interest decided and executed the following punishable act and for which both mutually concluded to assist in Salonica the 12th day of January 1944, and that both knowing took in their possession and without the consent of the owner Elias Eliadou, strange belongings, namely 6 balls of fabrics merino, damasko, 4 balls of cotton fabric, 26 balls, 24 yards cabot, 97 pairs of stockings, 21 balls of thread, 3 packs of yarn, and 7 pieces wool, to keep in their possession against the law. They got caught immediately on the 16th day of January 1944. The subject of robbery is not of any particular value.

Both proclaimed guilty in imprisonment of 6 months each and for the expenses of the case and taxes and for their arrest. It considers that the above appeal has no suspensive result.

This case was reviewed and published immediately before the audience.

Th. TJIKAS, *The President.*
N. KARATHANASSIS, *The Secretary.*

Exact copy.

(Signature illegible.)
The Secretary of Jury.

At Salonica January 19, 1944.

Please note: Copies of the original Greek document and the English translation thereof as above, are in the files of the American consulate general at Hamilton, Bermuda, as part of subject's application for an immigrant visa as the husband of an American citizen.

ASTORIA, LONG ISLAND, N. Y., *April 9, 1956.*

To Whom It May Concern:

This is to inform you that I know Mr. Stylianos Lecomples for the past 3½ years. For about 2½ years he lived in one of my relative's house, Mr. Harry Partridge, as a tenant and after when he needed a larger apartment I gladly offered to rent him an apartment in my house.

I am not only pleased from him as a good tenant but he is considered now one of my best friends because of his fine character and I know that everybody that knows him likes him. He is a very good husband and father and works hard as a carpenter to provide a living for his wife and child, and also his mother and brother in Greece.

Sincerely yours,

COSTAS NICHOLAS.

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JAFF BROS. WOODWORKS, INC.,
Long Island City, N. Y., February 17, 1956.

To Whom It May Concern:

This is to certify that Mr. Steven Lecomples, of 30-03 Newtown Avenue, Astoria, N. Y., has been in our employ as a cabinetmaker, since January 16, 1956.

During the time he has been with our company, we have found him to be a very conscientious and capable worker and possesses a very fine character.

Very truly yours,

PHILIP JAFF, *President.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3557), as amended, should be enacted.

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Calendar No. 2513

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2479

PANAGIOTA PAGANIS

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3660]

The Committee on the Judiciary, to which was referred the bill (S. 3660) for the relief of Panagiota Paganis, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof, the following:

That, in the administration of section 3 and subsection (b) of section 4 of the Refugee Relief Act of 1953, as amended, Panagiota Paganis shall be held and considered to be under twenty-one years of age: *Provided*, That the words "if accompanying them" in section 3 of the said Act shall not apply to the said Panagiota Paganis.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable Panagiota Paganis to qualify for a visa under the Refugee Relief Act as a minor child.

STATEMENT OF FACTS

The beneficiary of the bill as a 21-year-old native and citizen of Greece who is presently residing there. She is unmarried and unemployed. Her parents and three brothers are residing in the United States, having been admitted under the Refuge Relief Act. Her application under that act was approved after she had reached her 21st birthday.

A letter, with attached memorandum, dated June 4, 1956 to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., June 4, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3660) for the relief of Panagiota Paganis, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would provide that for the purposes of the Refugee Relief Act of 1953, the beneficiary shall be held and considered under 21 years of age.

As a quota immigrant the beneficiary would be chargeable to the quota for Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PANAGIOTA PAGANIS, BENEFICIARY OF S. 3660

Information concerning this case was obtained from Mr. Peter W. Paganis, the beneficiary's uncle and interested party.

The beneficiary, Panagiota Paganis, a native and citizen of Greece, was born on November 17, 1934. She is unmarried and resides at Levidas 72, Palla Kokina, Piraeus, Greece. She is unemployed and has no assets. She completed 5 years of school. Her parents and three brothers reside in the United States. She has never been in the United States.

The beneficiary's uncle, Mr. Peter W. Paganis, a native of Greece and a naturalized citizen of the United States, was born on December 25, 1908, entered the United States in 1920 and was naturalized in 1937. He resides at 5822 West Washington Boulevard, Chicago, Ill. He provides a home for the family of the beneficiary and is willing to care for her if she is granted a visa to enter the United States. He is an accountant. He earns $15,000 a year and has assets in excess of $85,000. He applied for immigrant visas to bring his brother and family into the United States in June 1955. Visas were granted for the entire family, except for the beneficiary, under section 4 (a) (8) of the Refugee Relief Act of 1953. A visa was not granted to the beneficiary because she reached the age of 21 before the visas were granted to her family by the American consul at Athens, Greece.

A letter dated May 10, 1956, to the chairman of the Senate Committee on the Judiciary from the Assistant Secretary of State with reference to the bill reads as follows:

MAY 10, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate.

DEAR SENATOR EASTLAND: Reference is made to your letter of April 25, 1956, transmitting S. 3660 for the relief of Panagiota Paganis, and to the Department's interim acknowledgment on April 27, 1956.

The Department perceives no objection to the enactment of the bill, but suggests that it be amended to read as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that, in the administration of section 3 and subsection (b) of section 4 of the Refugee Relief Act of 1953, as amended, Panagiota Paganis shall be held and considered to be under twenty-one years of age: *Provided*, That the words 'if accompanying them' in section 3 of the said Act shall not apply to the said Panagiota Paganis."

Sincerely yours,

ROBERT C. HILL,
Assistant Secretary
(For the Secretary of State).

Senator Everett McKinley Dirksen, the author of the bill, has submitted the following information in connection with the case:

AFFIDAVIT

STATE OF ILLINOIS,
County of Cook, ss:

I, Peter W. Paganis, an American citizen, residing at 5822 West Washington Boulevard, in Chicago, Ill., state that I did file a petition for my brother, Fotios W. Paganis, his wife, Ekaterine F., and children, namely, Panagiota, Leon, George, and William, for entry into the United States of America, in accordance with the Refugee Relief Act.

I further state that the said petition was granted by the Immigration and Naturalization Service on February 11, 1955.

I further state that a visa was issued permitting entry into the United States of America of the aforementioned Fotios W. Paganis, and family, as listed, after proper clearance of records as pertains thereto.

I further state that at the last minute, no visa was issued for Panagiota Paganis, as it was found she had attained the age of 21 years.

I further state that a great hardship has been imposed upon my brother and his family, due to the restrictive qualifications of the Refugee Relief Act which forces Panagiota Paganis to remain in Greece, separated from her family, and without benefit of relatives.

I further state that Panagiota Paganis will not become a public charge, should an allowance be made for her entry into the United States of America, as my brother Fotios W. Paganis is gainfully employed, and capable of supporting her.

PETER W. PAGANIS.

On this 26 day of April 1956, before me a notary public, in and for said county, personally appeared Peter W. Paganis, who being first

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duly sworn, declared that the facts set forth in the foregoing statement are true and correct.

[SEAL] HAROLD B. ROTIEIN,
Notary Public.

AFFIDAVIT

STATE OF ILLINOIS,
County of Cook, ss.:

I, Fotios W. Paganis, and I, Ekaterine F. Paganis, his wife, state that Peter W. Paganis, an American citizen, residing at 5822 West Washington Boulevard, Chicago, Ill., did file a petition for us and our children, namely, Panagiota, Leon, George, and William, for entry into the United States of America under the Refugee Relief Act.

We further state that the said petition was approved by the Immigration and Naturalization Service on February 11, 1955.

We further state that visas were issued on February 22, 1956 upon clearance of records as pertains thereto, for us and our children, as listed, for entry into the United States of America; with the exception of Panagiota, as it was found Panagiota had attained 21 years of age, and no visa was issued for her for this, and only this reason alone.

We further state that our daughter Panagiota, was not 21 years of age when the said petition was filed, and on this basis, the American consulate in Greece took all necessary procedures to expedite the securing of a visa for Panagiota.

We further state that a great hardship has been imposed upon us, and our children, due to the restrictive qualifications of the Refugee Relief Act, which forces Panagiota, our daughter, to remain in Greece, separated from us and our children and without benefit of relatives.

We further state that Panagiota, our daughter, will not become a public charge, should an allowance be made for her entry into the United States of America, as I, Fotios W. Paganis, am gainfully employed and capable of supporting her.

FRANK W. PAGANIS,
EKATHRINE F. PAGANIS.

On this 26 day of April 1956, before me a notary public, in and for said county, personally appeared Fotios W. Paganis, and Ekaterina F. Paganis, who being first duly sworn, declared that the facts set forth in the foregoing statement are true and correct.

[SEAL] HAROLD B. ROTSTEIN,
Notary Public.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3660), as amended, should be enacted.

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Calendar No. 2514

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2480

ELIZABETH CACAVAS (ELISAVET IOANNOU KAKAVA)

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3713]

The Committee on the Judiciary, to which was referred the bill (S. 3713) for the relief of Elizabeth Cacavas (Elisavet Ioannou Kakava), having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof, the following:

That, the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Elizabeth Cacavas (Elisavet Ioannou Kakava). From and after the date of enactment of this Act, the said Elizabeth Cacavas (Elisavet Ioannou Kakava) shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to cancel the outstanding deportation proceedings in the case of Elisabeth Cacavas (Elisavet Ioannou Kakava) and to provide that she shall not again be subject to deportation by reason of the same facts on which the present proceedings are based. The bill has been amended to provide for the cancellation of outstanding deportation proceedings rather than to grant the status of permanent residence, which procedure is in line with the usual policy of the House of Representatives in cases of this type.

STATEMENT OF FACTS

The beneficiary of the bill is an 82-year-old native and citizen of Greece who entered the United States at New York, N. Y., on Septem-

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ber 17, 1954, as a visitor. She is a widow and has three citizen sons living in the United States. They all desire to support their mother, who is too old and frail to stand the rigors of additional extensive travel.

A letter, with attached memorandum, dated June 22, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 22, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3713) for the relief of Elizabeth Cacavas (Elisavet Ioannou Kakava), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Greece.

Sincerely,

J. M. SWING, *Commissioner*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELIZABETH CACAVAS (ELISAVET IOANNOU KAKAVA), BENEFICIARY OF S. 3713

Because the beneficiary speaks little English, information concerning the case was obtained from her son, Christ Cacavas.

The beneficiary, Elizabeth Cacavas (Elisavet Ioannou Kakava), who was born in March 1874, is a native and citizen of Greece. Her marriage to Ioannis Kakavas was terminated by his death in 1944. Four sons were born to this union. Christ and Harry Cacavas reside in Aberdeen, S. Dak., and James Cacavas resides in Minneapolis, Minn. All three are naturalized citizens of the United States. The present address of the fourth son, Andrew, who formerly resided in Athens, Greece, is not known.

The beneficiary has no income of her own, and is dependent on her sons in the United States for support. She lives with her son Christ Cacavas at Aberdeen, S. Dak. Christ and Harry Cacavas are joint owners of the Virginia Cafe in Aberdeen. They value the building at $65,000, and the cafe fixtures and equipment at $35,000. Mr. and Mrs. Christ Cacavas own a farm valued at $20,000 and they have cash and bonds in excess of $50,000. Their home is valued at $20,000. Christ has an annual income of about $10,000.

The beneficiary has had little schooling and cannot read or write. She speaks and understands very little English.

The beneficiary last entered the United States at New York, N. Y., on September 17, 1954, as a visitor for pleasure. On September 22, 1955, she submitted an application for change of status to that of a permanent resident under section 245 of the Immigration and Nationality Act. The application was denied on April 6, 1956, because the Greek quota, to which the beneficiary is chargeable, was oversubscribed. Deportation proceedings were instituted against her on May 17, 1956, on the ground that she failed to maintain the nonimmigrant status under which she was admitted. A hearing was accorded her on May 25, 1956, and an order was entered granting her the privilege of departing from the United States voluntarily with the alternative that she be deported upon her failure to so depart.

Senator Karl E. Mundt, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
Washington, D. C., April 25, 1956.

IMMIGRATION SUBCOMMITTEE,
Senate Office Building,
Washington, D. C.

DEAR SIRS: On April 24, I introduced a private bill in behalf of Elizabeth Cacavas. I urged the committee to give favorable consideration to this legislation.

Mrs. Cacavas is 82 years of age and has been in this country for a little over a year visiting with her three sons and their families. After arriving in the United States her health deteriorated and her sons observed that she was in need of constant care. Knowing that she would be unable to receive this type of care en route to Greece or after she had arrived there, they decided to ask our Immigration Service for a permanent visa for her. Because of the fact that quota is heavily subscribed the Immigration Service was unable to comply. Also acting on regulations, the Immigration Service was forced to cancel Mrs. Cacavas' visitor's visa and for that reason I have introduced this bill.

This lady is quite old and in poor health. Her three sons are all highly successful businessmen and any of them can assume the responsibility for her. I urge the committee to give this bill favorable attention so that this aged woman can spend her few remaining years with her family here.

With best wishes, I am
Cordially yours,

KARL E. MUNDT, *United States Senator.*

ABERDEEN, S. DAK., *April 23, 1956.*

Mr. CHRIS CACAVAS,
Aberdeen, S. Dak.

DEAR SIR: I have this date examined your mother. She is 82 years of age, has a very high blood pressure, and her heart is slightly

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irregular. She complains of dizziness and is not too steady on her feet. In view of her age and physical condition, I deem it very unwise for her to undertake a long journey unattended.

I trust that this report will give you an understanding of her physical condition.

Yours very truly,

BEECHER C. MURDY, M. D.

[Affidavit]

STATE OF SOUTH DAKOTA,
County of Brown, ss:

Chris Cacavas, being duly sworn, deposes and says that he is a duly and qualified elector of said county and State; that he is the son of Elizabeth Kacavas; that he has on deposit in the Minnesota Federal Loan & Savings Association in Minneapolis, Minn., the sum of $10,000; that this affidavit is submitted for the purpose of further establishing my financial ability to support and care for the said Elizabeth Cacavas.

CHRIS CACAVAS.

Subscribed and sworn to before me this 23d day of April 1956.

[SEAL] IVAN HUNTSINGER,
Notary Public, South Dakota.

My commission expires January 10, 1959.

AFFIDAVIT

STATE OF SOUTH DAKOTA,
County of Brown, ss:

Chris Kacavas, being duly sworn, deposes and says that he is a duly and qualified elector of said county and State; that he is the son of Elizabeth Cacavas, who is 82 years of age; that she is a citizen of Greece and her address in Greece is Livartzion, Kaalavryton, Greece, that she has been in the United States of America on a visitor's visa since September 18, 1954; that since she has been in the United States the exigencies of old age have been such that her physical condition and health is not as good as it was upon her arrival, nor is she as physically capable of caring for herself at this time as she was upon her arrival, as will more fully show by the medical statement of Dr. Murdy attached hereto; that it would be impossible for her to travel alone from Aberdeen, S. Dak., to Greece at this time or at any future period.

Affiant further says that her three sons, namely: your affiant, Harry Cacavas and Jim Cacavas all live in and are citizens of this country, any one of whom is amply capable of taking care of her financially and assume the responsibility in the event she needs further medical care or hospitalization; that Jim Cacavas lives in Minneapolis, Minn., and is gainfully employed; that affiant and his brother, Harry Cacavas, own and operate the Virginia Cafe in Aberdeen, S. Dak., which, in 1955, did a gross business of $158,714.40; that attached hereto is a statement of the bank and an affidavit of the register of deeds of Brown County, S. Dak., substantiating affiant's financial status and ability to care for the said Elizabeth Cacavas.

That said Elizabeth Cacavas has no family in Greece, other than a daughter-in-law, who has three minor children; that said daughter-in-law, who receives aid through CARE is positively unable to support her; that the son, who remained in Greece was taken from his home and killed by the Communists.

That it is the desire of the said Elizabeth Cacavas and the desire of her entire family that she be granted a permenent immigration visa.

CHRIS CACAVAS.

Subscribed and sworn to before me April 21, 1956.

[SEAL] IVAN HUNTSINGER,
Notary Public, South Dakota.

My commission expires January 10, 1959.

AFFIDAVIT

STATE OF SOUTH DAKOTA,
County of Brown, ss:

Helga Sand, being duly sworn, deposes and says that she is the duly qualified, elected and acting register of deeds in and for Brown County, S. Dak.; that as such official she has custody, control and supervision of all the Brown County records pertaining to real estate; that such records reveal and she knows of her own personal knowledge that Chris Cacavas and Harry Cacavas, brothers, own the building known as the Virginia Cafe in Aberdeen, S. Dak., and operate a public eating establishment in the same; that they own the land upon which said building is located; that their ownership consists of an undivided one-half interest to each in the same; that said land and building have an approximate value of $35,000, and the same is free and clear of all encumbrances.

Affiant further says that Harry Cacavas owns his home in Aberdeen, S. Dak., having an approximate value of $18,000, and the same is free and clear of all encumbrances.

Affiant further says that Chris Cacavas owns his own home in Aberdeen, S. Dak., having an approximate value of $20,000, and the same is free and clear of all encumbrances; that he owns 320 acres of farmland in Brown County, S. Dak., having an approximate value of $19,200, and the same is free and clear of all encumbrances.

Further affiant sayeth not.

HELGA SAND,
Register of Deeds for Brown County, South Dakota.

Subscribed and sworn to before me this 21st day of April, 1956.

[SEAL] IVAN HUNTSINGER,
Notary Public, South Dakota.
My commission expires January 10, 1959.

FIRST NATIONAL BANK OF ABERDEEN,
Aberdeen, S. Dak., April 23, 1956.

To Whom It May Concern:

Elisavet Ioannou Kakava is the mother of Chris and Harry Cacavas, longtime, desirable customers of this bank.

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The two brothers are joint owners of the Virginia Cafe which is one of the leading cafeterias in this city and has a value of $100,000 or more. Harry has $6,396.77 on savings account with our bank, also he owns $11,000 in Government bonds, and also he owns his home clear.

Chris has a savings account here in the amount of $6,745.43, also I have personal knowledge that he has $20,000 in Government bonds; besides that, Chris owns a $20,000 home clear and owns a 320-acre farm worth another $18,000.

From the above information you can readily ascertain that Harry and Chris Cacavas are willing and entirely able to assume the financial responsibility of caring for their mother, Elisavet Ioannou Kakava.

Yours very truly,

FRED ROESCH, *Vice President.*

ABERDEEN NATIONAL BANK,
Aberdeen, S. Dak.

To Whom This May Concern:

This is to certify that Mr. Chris Cacavas is well and favorably known to me and that he has been a customer of this bank for many years. He owns savings accounts in this bank with present balances in excess of $12,000 and today exhibited to me United States savings bonds of approximately $17,000. He and his brother, Harry Cacavas, own and operate the Virginia Cafe and we would conservatively estimate the value of the property which they own in the city of Aberdeen at $100,000.

Mr. Harry Cacavas is also financially responsible and either Mr. Chris Cacavas or Mr. Harry Cacavas, who are brothers, is well able to support his mother, Elisavet Ioannou Kakaba, a native of Greece.

Yours very truly,

CLAYTON WALKER, *Vice President.*

Subscribed and sworn to before me, a notary public, in and for Brown County, S. Dak., this 23d day of April 1956.

[SEAL] MARY SCHNEIDER,
Notary Public, Brown County, So. Dakota.

My commission expires January 19, 1960.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3713), as amended, should be enacted.

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Calendar No. 2515

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2481

JUDITH KAO

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 5808]

The Committee on the Judiciary, to which was referred the bill (H. R. 5808) for the relief of Judith Kao, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 6, change the period to a comma and add the following:

for a period of four years or until such time as she has completed her schooling, whichever occurs sooner.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to enter the United States in a student status. The bill has been amended to place a time limit on her stay in the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 20-year-old native and citizen of China who has resided in Canada since September 18, 1953. She is unmarried and is supported by her brother who lives in Ann Arbor, Mich. A sister resides in Chicago, Ill. She also has 2 other brothers and 1 sister who reside in the United States. His application for admission to the University of Michigan has been approved.

A letter, with attached memorandum, dated August 31, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 31, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5808) for the relief of Judith Kao, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill would enable the beneficiary to be admitted to the United States as a nonimmigrant student.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JUDITH KAO, BENEFCIARY OF H. R. 5808

Information concerning the case was obtained from Mr. Roy Glynn Allman, attorney at law, Arlington, Va.

The beneficiary, who is also known as Judith Jui Mei Kao, is a native and citizen of China. She was born in Shanghai, China, on December 19, 1936. She has resided in Canada since September 18, 1953. Her present address is 430 Walmer Road, Toronto, Ontario, Canada. Miss Kao is unmarried. She graduated from Moulton College, Toronto, Ontario, Canada, on June 8, 1954. Thereafter she attended Havergal College in Toronto, Ontario, Canada. She has no income or assets and is supported by her brother, Richard Kao, of Ann Arbor, Mich., and her sister, Lillian Kao, of Chicago, Ill. She has 2 other brothers and 1 sister, who reside in the United States. Her parents reside in Shanghai, China.

It is indicated that Miss Kao applied to the University of Michigan, Ann Arbor, Mich., for admission as a student; that her application was approved; and that she was notified by the university in September 1954, that she would be granted admission to their College of Literature, Science, and the Arts.

A letter dated June 27, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Director of the Visa Office, Department of State, reads as follows:

JUNE 27, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Miss Judith Kao, beneficiary of H. R. 5808, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Toronto, Canada, states that Miss Kao applied

for a visa at the American consulate general at Hong Kong on January 16, 1952, for the purpose of entering the United States for medical treatment. Her visa dossier was subsequently transferred to the consulate general at Toronto in September of 1954, when Miss Kao entered Canada as a nonimmigrant. She was found ineligible to receive a visa to enter the United States by the consulate general at Hong Kong on November 12, 1952, since the report from her doctor did not indicate the necessity of her going to the United States rather than to Canada or to Europe and since she had 2 brothers and 6 sisters in the United States while her parents were in Shanghai.

After Miss Kao's visa dossier was received by the consulate general at Toronto she was carefully interviewed on October 1, 1954, by an officer of the consulate general in order to determine her eligibility for non immigrant classification. After a careful consideration of all the aspects of her case, Miss Kao was found unable to meet the requirements for the issuance of a nonimmigrant visa.

Miss Kao, who is chargeable to the Chinese racial quota, has the status of a nonimmigrant in Canada. She does not appear to have any binding ties or other interests in Canada which would serve as a strong inducement for her voluntary return to that country after a visit in the United States.

It is noted that Miss Kao's only relatives outside the United States are in Shanghai, China, and are prevented from leaving that country by the Communist government. Although she possesses a Chinese Nationalist passport and is guaranteed admission to Formosa, Miss Kao stated that she does not intend to take up residence on that island as she has no friends, relatives, or other interests there. On the other hand, she has 2 brothers and 6 sisters in the United States, whose presence would naturally act as a strong incentive for her to remain here.

The consulate general interviewed Miss Kao again on February 7, 1955, in connection with her desire to enter the United States to attend the University of Michigan. She stated during this interview that it will not be necessary to undergo further treatment for her heart in Canada 2 years hence; that she desires to study in the United States for 4 years; and that she hopes the situation in China has improved by that time to permit her return to her parents. She stated further that if the Chinese Communists should be in control of the Chinese mainland at that time, she would be prepared to go to Formosa if requested to do so by the American authorities.

It is evident that Miss Kao's plans for the future once she has completed studies in the United States are most indefinite in view of her present lack of a firmly established residence abroad. In the light of the existing political situation in China the consulate general does not consider that Miss Kao's parents serve as compelling family ties which may be expected to cause her voluntary departure from the United States following the completion of her studies.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Miss Kao would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

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Congressman Joel T. Broyhill, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of his bill, as follows:

REPRESENTATIVE JOEL T. BROYHILL—IN BEHALF OF JUDITH KAO, BENEFICIARY OF H. R. 5808

Judith Kao, the beneficiary of my bill (H. R. 5808) is another victim of the uneasy peace in our world today.

She is a member of a family separated by the cold war. Her parents are completely sealed off from her in Communist China. She has eight brothers and sisters permanently residing in the United States.

Miss Kao herself left Hong Kong in 1949 and is now attending school in Canada. She is qualified for and has been accepted for admittance to the University of Michigan. However, our immigration authorities have refused the request as they feel the situation indicates she would not willingly leave upon completion of her 4 years of schooling.

I am told she would leave the United States willingly and go to Formosa at her own expense, and would be glad to post any bond required to assure performance.

H. R. 5808 has, therefore, been introduced, not to grant permanent residence, but to allow her the temporary stay for educational purposes. I hope the committee will extend this help toward her problem.

Additional information has been submitted to the Senate Committee on the Judiciary by Senator Harry Flood Byrd showing the beneficiary's acceptance at the University of Michigan. This material is contained in the files of the Senate Committee on the Judiciary.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 5808), as amended, should be enacted.

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Calendar No. 2516

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2482

OEY GIOK PO

JULY 9, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3285]

The Committee on the Judiciary, to which was referred the bill (S. 3285) for the relief of Oey Giok Po, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 3, change the word "Naturalization" to "Nationality".
2. In line 5, change the name to read, "Giok Po Oey."
3. Amend the title of the bill to read: "A bill for the relief of Giok Po Oey."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to exempt Giok Po Oey, who was born in Indonesia of Chinese ancestry, from the application of sections 201 (a) and 202 (b) of the Immigration and Nationality Act and to enable the beneficiary to apply for a visa under the quota for Indonesia.

STATEMENT OF FACTS

The beneficiary of the bill is a 34-year-old native of Indonesia of the Chinese race who entered the United States July 30, 1951, at New York and maintained his student status until he departed in September 1953 upon the completion of his studies. He is presently a member of the editorial staff of the daily newspaper in Djakarta where he resides with his wife. He is a graduate of the University of Indonesia. He also attended the University of Denver, University of California and received a master of arts degree in Chinese literature and far eastern studies from Cornell University. Cornell has filed a petition for classification of beneficiary as first preference under the quota on the

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basis of his knowledge of far eastern languages and literature and their need for his services in the cataloging of foreign materials (Southeast Asia) in their library.

A letter, with attached memorandum, dated June 14, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 14, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3285) for the relief of Oey Giok Po, there is attached a memorandum of information concerning the beneficiary. According to the records of this Service, the correct name of this beneficiary is Giok Po Oey. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of those files.

The bill is intended to exempt the beneficiary from the application of sections 201 (a) and 202 (b) of the Immigration and Nationality Act, which establish quota chargeability based upon national origin and determination of quota to which an immigrant is chargeable. It is noted that the bill makes reference to the Immigration and Naturalization Act. The committee may wish to substitute the word "Nationality" for "Naturalization."

As a quota immigrant the beneficiary would be chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE OEY GIOK PO, BENEFICIARY OF S. 3285

Information concerning this case was obtained from Oey Giok Po, the beneficiary, by correspondence.

The beneficiary, whose correct name is Giok Po Oey and who has also been known as Oey Giok Po or Poh, was born on January 16, 1922, in Sukabumi, Java, Indonesia. He married Tan Lian Hoa, a native of Indonesia, on March 28, 1956, in Djakarta, Indonesia.

Mr. Po is a member of the editorial staff of the daily newspaper Keng Po in Djakarta where he maintains a residence with his wife at 35 Djalan Tjendana. His total annual income from his employment is 46,796.40 rupees. No information is available as to his assets. He holds a propaedeutic diploma and a candidate diploma from the University of Indonesia. In the United States he attended the University of Denver from August to September 1951; University of California from September 1951 to June 1952; and Cornell

University from September 1952 to September 1953, where he received a master of arts degree in Chinese literature and far eastern studies. His mother, 3 brothers, and 2 sisters reside in Indonesia. He has no relatives in the United States but has indicated that he intends to have his wife join him in the United States.

The beneficiary has made one entry into the United States which occurred on July 30, 1951, at New York, N. Y., when he was admitted as a nonimmigrant student. He maintained a lawful student status while in the United States and in September 1953, following the completion of his studies, voluntarily departed from the United States.

Cornell University, Ithaca, N. Y., filed a visa petition for classification of the beneficiary as a quota immigrant whose services are needed urgently in the United States. The petition was approved by this Service on February 10, 1954, for a period to expire January 15, 1955. It was revalidated on March 31, 1955, to expire on March 3, 1956. A visa was not issued prior to the invaluation of the petition. The university intends to employ the beneficiary as cataloger of foreign (southeast Asia) materials in their library at an annual salary of $3,000.

A letter dated May 17, 1956 to the chairman of the Senate Committee on the Judiciary from the Acting Director of the Visa Office, United States Department of State, reads as follows:

MAY 17, 1956.

The honorable JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate.

DEAR SENATOR EASTLAND: I refer to your letter of March 2, 1956, requesting a report of the facts in the case of Oey Giok Po, the beneficiary of S. 3285 which was introduced by Mr. Ives on February 24, 1956.

The files of the Department contain a report dated April 9, 1956, from the Embassy at Djakarta containing the following information:

"Oey Giok Po is an Indonesian national of Chinese origin. Because he is attributable by as much as one-half of his ancestry to people of the Chinese race, he is properly chargeable to the quota for Chinese persons.

"He originally registered on the waiting list of intending immigrants at this office on December 2, 1953. On January 28, 1954, Cornell University, Ithaca, N. Y., petitioned the United States Immigration and Naturalization Service for the granting of first preference status to Oey. This petition was approved on February 10, 1954.

"In January 1955, shortly before the petition was due to expire, Cornell University reaffirmed the petition, which was then revalidated for another year by the United States Immigration and Naturalization Service. In February 1956, Cornell University again stated its desire to reaffirm the petition. On February 24, 1956, with OMV–42, the Embassy forwarded the petition to the Department for transmittal to and revalidation by the Buffalo District Director of the Immigration and Naturalization Service. To date, the revalidated petition has not yet been returned to the Embassy.

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"Since the petition granting Mr. Oey first preference status was originally approved, he has married an Indonesian citizen also of Chinese origin. In accordance with 22 Code of Federal Regulations 42.11 (a), the consular officer is also according first preference status on the Chinese racial quota to Mrs. Oey."

In view of the oversubscribed condition of the Chinese quota Oey G. Po and his wife may expect to encounter an indefinite delay before their turns may be reached for the issuance of immigrant visas.

It is understood that Cornell University desires Mr. Oey's services as curator of the University Library's collection of material on southeast Asia, and that Mr. Oey has demonstrated to Cornell University authorities his special talents in the fields of acquisition and cataloging of Indonesian and other southeast Asian publications. The Department of State is currently sending its Foreign Service officers to Cornell for Indonesian language and area training. The effectiveness of this training program would be enhanced by the contribution which Mr. Oey could make to Cornell's teaching and research facilities.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office.

Senator Irving M. Ives, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

MEMORANDUM IN SUPPORT OF S. 3285

This memorandum is submitted in explanation and support of S. 3285, a bill for the relief of Oey Giok Po. The bill provides that in the administration of the Immigration and Naturalization Act, sections 201 (a) and 202 (b) shall be held not to be applicable in the case of Oey Giok Po. These sections of the act have been interpreted by the State Department as requiring that Oey Giok Po be classified as subject to the immigration quota for China, because he is of that racial origin, although he is in fact an Indonesian citizen and his family has lived in Indonesia for generations. It is at least doubtful that the Congress ever intended such a result. It is the purpose of this bill to make Mr. Oey Giok Po subject to the quota for Indonesia rather than to the Chinese quota.

The Chinese quota is so small and the list of applicants so long that it would take an indefinite period for Mr. Oey Giok Po's registration date to be reached and for him to be admitted if he remains subject to the Chinese quota. On the other hand, the Indonesian quota in Mr. Oey Giok Po's category is open so that he could be admitted without further delay if he can be reclassified as subject to the Indonesian quota.

Oey Giok Po registered for immigration on December 2, 1953. On January 28, 1954, Cornell University petitioned the United States Immigration and Naturalization Service (petition No. 078507 (I. and E.)) for an Immigration visa for Mr. Oey Giok Po under the special classification of quota immigrants for aliens whose services are needed urgently in the United States. This petition was granted on February 10, 1954, was revalidated on March 31, 1955, for a period expiring on March 3, 1956, and currently is being revalidated for another term.

Cornell University is very anxious to secure the services of Mr. Oey Giok Po as curator of its collection of materials on southeast Asia. Mr. Oey studied at Cornell University several years ago as a graduate student in the southeast Asia program in the university. At that time Mr. Oey performed services for the university library in connection with the acquisition and cataloging of Indonesian and other southeast Asia publications and demonstrated to the satisfaction of the Cornell authorities his unusual capacity for this work. Mr. Oey is particularly well qualified for such work because of his broad background in that field and his command of languages. He knows and uses effectively Indonesian, Chinese, Dutch, German, French, and English. Since Mr. Oey's return to Indonesia on the termination of his student visa, it has been impossible to secure another person to carry on this work. There does not appear to be anyone available in this country who has the necessary combination of library experience, subject background and language competence. Lacking a staff member with the qualifications required for this work, the library has been seriously handicapped in developing its southeast Asia collection.

This is a matter of concern not only to the university but also to those concerned with national library resources. The major research libraries of the country adopted some years ago a cooperative program for the acquisition of research publications from all parts of the world. Cornell, as a participant in this program, accepted responsibility for the acquisition of publications from southeast Asia. This is supposed to mean that after the Library of Congress, the Cornell University Library has and proposes to maintain the largest collection of southeast Asia publications in this country. It is, of course, difficult to fulfill this obligation without a competent librarian in this field. It is essential that Cornell have in charge of the collection a person with a knowledge of the languages and countries involved such as Mr. Oey has.

The university's collection of materials on southeast Asia is a key facility of the Cornell University southeast Asia program, without which the program cannot function. Cornell University's southeast Asia program is widely regarded as the outstanding program of southeast Asian studies in the United States. This program has two purposes: (1) the training of competent southeast Asian specialists for Government service, business and teaching, there being at present a dangerous shortage of such experts in the United States; (2) research on the various problems of southeast Asia, to fill the vast gaps in American knowledge of this strategically important area.

In addition to regular students, the Cornell southeast Asia program customarily enrolls Department of State and United States Army and Air Force officers, as well as persons sent by other United States Government agencies and from friendly southeast Asia countries. The products of the program's research are eagerly sought by and freely supplied to all United States Government agencies that are concerned with southeast Asia. For a fuller explanation of Cornell University's southeast Asia program, reference is made to the attached copy of the Cornell Bulletin.

Cornell University officials concerned with its southeast Asia program have written letters of support for S. 3285, copies of which letters are attached. These letters make clear in what high esteem

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these scholars hold Mr. Oey and indicate what a fine citizen he would make for this country.

Enactment of S. 3285 would not only benefit Cornell University and its southeast Asia program, but would be a contribution to our country's efforts toward better understanding and improved relations with southeast Asia.

CORNELL UNIVERSITY LIBRARY,
Ithaca, N. Y., March 5, 1956.

Hon. IRVING M. IVES,
United States Senate, Washington, D. C.

DEAR SENATOR IVES: I welcome the opportunity to support your bill on behalf of Mr. Oey Giok Po, S. 3285, and I wish to thank you for your assistance in this matter.

Mr. Oey Giok Po is an Indonesian who studied at Cornell several years ago, as a graduate student in the southeast Asia program. At that time Mr. Oey performed certain services for the library in connection with the acquisition and cataloging of Indonesian and other southeast Asian publications. Mr. Oey is particularly well qualified for this work because of his broad background in this field and his command of languages. He knows and uses effectively Indonesian, Chinese, Dutch, German, French, and English. Since Mr. Oey's return to Indonesia on the termination of his student visa it has not been possible to secure another person to carry on this work as there does not appear to be anyone available in this country who has the combination of library experience, subject background, and language competence. Lacking a staff member with the qualifications required for this work, the library has been seriously handicapped in developing its southeast Asia collection.

Since the library collection is basic to the Southeast Asia program, the full effectiveness of the program has been lessened, although we have made every effort to carry it forward with such part-time assistance as could be obtained from Indonesian students and from faculty members. This is a matter of concern not only to those responsible for the program, but also to those of us who are concerned with national library resources. As you may know the major research libraries of the country adopted some years ago a cooperative program for the acquisition of research publications from all parts of the world. This program is known as the Farmington plan. Cornell is a participant in this program and has accepted responsibility for the acquisition of publications from Southeast Asia. This is supposed to mean that after the Library of Congress, the Cornell University Library has and proposes to maintain the largest collection of Southeast Asia publications in the country. It is difficult to fulfill this obligation without a competent librarian in this field.

The availability of Mr. Oey Giok Po for appointment to the staff of the Cornell University Library would thus appear to be of importance not only to the university but to the maintenance and development of library resources of national concern. Furthermore, the nature of the Southeast Asia program itself, in which Government officials, military officers, businessmen and scholars are trained in the history, government, literature and social and economic problems of Southeast Asia also argues the desirability of providing for Mr. Oey's

relief from certain provisions of the Immigration and Naturalization Act.

Your assistance in effecting the necessary changes is deeply appreciated.

Sincerely yours,

STEPHEN A. MCCARTHY, *Director.*

CORNELL UNIVERSITY,
Ithaca, N. Y., March 6, 1956.

Hon. IRVING M. IVES,
United States Senate, Washington, D. C.

DEAR SENATOR IVES: I am writing you with reference to your bill of February 24, 1956, S. 3285, a bill for the relief of Oey Giok Po.

As I believe you know, the Southeast Asia program and the Library of Cornell University are very anxious to secure the unique services which Mr. Oey could render Cornell as curator of our highly specialized collection of materials on Southeast Asia. With the possible exception of the Library of Congress, this collection is undoubtedly the best in the United States for materials on Indonesia and on the overseas Chinese of all Southeast Asian countries. It is essential that we have in charge a person with a knowledge of the languages and countries involved such as Mr. Oey has. This collection is a key facility of the Cornell University Southeast Asia program, without which the program cannot function.

The primary activity of this program is training advanced students in a variety of discipline fields (economics, agriculture, nutrition, political science, international relations) to become specialists in the languages and life of Southeast Asian countries to which they can then apply their discipline knowledge and skills. Our students are both Americans and Southeast Asians, and have always included some Government officials, i. e., Americans from the Department of State, Department of Defense, CIA, or other agencies, or, this year for example, several Indonesian high officials, including one who has been in charge of North American affairs for his Government, a South Vietnamese army officer, and Philippine, Burmese, and Thai university teachers and research workers. All of our graduates since the program began in 1950 have been satisfactorily placed in a variety of teaching, research or other positions in which their specialized training is used.

A secondary program activity is research on Southeast Asian problems carried on by our faculty and staff with the help of American or Southeast Asian personnel. The results of such research, chiefly on contemporary economic, political, and social problems are open to all, including, of course, agencies of the United States Government.

The Cornell Southeast Asia program is widely recognized as the leading private research and training organization in America dealing with this crucial area. We feel that it is performing a national service. It can perform this service more effectively if the specialized abilities of Mr. Oey Giok Po are made available to us. We thank you for presenting your bill for his relief, and earnestly hope it may be acted upon favorably.

Sincerely yours,

LAURISTON SHARP,
Director, Professor of Anthropology.

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CORNELL MODERN INDONESIA PROJECT,
DEPARTMENT OF FAR EASTERN STUDIES,
CORNELL UNIVERSITY,
Ithaca, N. Y., March 7, 1956.

Hon. IRVING M. IVES,
United States Senate, Washington, D. C.

DEAR SENATOR IVES: I am writing you with reference to your bill of February 24, 1956, S. 3285, a bill for the Relief of Oey Giok Po.

I have known Mr. Oey since the late summer of 1952 when he came to Cornell University, following a year's graduate work at the University of California, to complete work for his master's degree. During the period that he was at Cornell I served as 1 of the 2 members of his graduate committee and presided at seminars wherein he was enrolled. Since he was a young man who displayed exceptional ability and promise, I took a keen interest in his work and his career and came to know him well. Subsequently, following his return to Indonesia I have maintained a correspondence with him. During the academic year 1954–55 while I was in Indonesia I saw him frequently.

While Mr. Oey was in Cornell I formed an impression of him which was reinforced during the subsequent period that I saw him in Indonesia. He is a young man of complete moral and intellectual integrity and of a high order of intelligence. While still at California, previous to his year at Cornell, he undertook a survey of Chinese language materials bearing on southeast Asia at the Hoover Institute and Library (Stanford University) in behalf of Cornell University. It was at this time that he first evidenced his abilities in a highly specialized field of library work which alerted us at Cornell to his possible value to us in this field. Thereafter during the period he was at Cornell he gave us important help in the organization of our library holdings relating to Indonesia, China, and Chinese minorities in southeast Asia in general. Because of his knowledge of these fields, his innate intelligence and his command of languages—Indonesian, Chinese, and Dutch—it was clear to us that he was a man uniquely qualified to help Cornell University build up its southeast Asian collection and that if given the opportunity to do so he would bring to this job talents which no other person known to us could provide.

Further with respect to Mr. Oey's character it should be observed that his political orientation is one wherein he has grown to admire the American approach to political problems and has demonstrated a strong and sustained antipathy toward communism. I know no better way to illustrate this than to point out that upon returning to Indonesia he joined the staff of Keng Po, the only anti-Communist, Chinese-owned newspaper in Djakarta. He has been working for this newspaper in a responsible capacity, reporting primarily on economic and political affairs for approximately the last 3 years. Considering the influence and power of pro-Communist elements amongst the Chinese community in Indonesia, Mr. Oey's decision to work on this anti-Communist newspaper should, in my opinion, be regarded as a significant demonstration of his anti-Communist outlook.

Those of us at Cornell whose teaching and research relates to southeast Asia are convinced that Mr. Oey can bring to Cornell unique and important services which cannot otherwise be obtained, services which would be of great benefit to our students, research

associates, and faculty. We wish to thank you for presenting your bill for Mr. Oey's relief and sincerely hope that your efforts may be successful.

Sincerely yours,

GEORGE MCT. KAHIN,
Director, Cornell Modern Indonesia Project,
Associate Professor, Department of Government.

CORNELL UNIVERSITY,
Ithaca, N. Y., March 8, 1956.

Hon. IRVING M. IVES,
United States Senate,
Washington, D. C.

DEAR SENATOR IVES: I am writing you with reference to your bill of February 24, 1956, S. 3285, a bill for the relief of Oey Giok Po.

Mr. Sharp, director of our southeast Asia program, has already described to you the nature of that program, its place in the stock of national resources, and the unique contribution that Mr. Oey can make to it.

As the staff member who had perhaps the closest personal relation with Mr. Oey during the year that he was a graduate student at Cornell, I should like to give you my estimate of the man.

Mr. Oey's equipment as a scholar is quite unique. He is completely at home in the Indonesian, Malay, Dutch, and English languages. He is competent in Chinese, having studied at the Sinological Institute in Djakarta, and for a year each in the University of California, Berkeley, and in Cornell University. He wrote a master of arts thesis under my direction, an annotated translation of an early 19th century Chinese work on navigation and geography in southeast Asia, in which he proved himself an extremely diligent and thorough scholar with good judgment and intelligence. He was able to use French and German sources and even showed some acquaintance with Vietnamese and Siamese. You will see from this how difficult it would be to duplicate Mr. Oey's equipment as curator of the southeast Asia collection in our library.

I will add that throughout the year Mr. Oey was at Cornell when he worked with me on an average 4 or 5 hours a week alone and several more hours in small classes, I developed the greatest confidence in him. He is honest, yet tactful; enthusiastic, yet critical. I feel sure that he will never be an embarrassment to anybody he is associated with, that in fact, even apart from his specialized skills, he will be an asset to our community and to the United States.

I am therefore very happy and grateful that you are presenting a bill for Mr. Oey's relief and I hope very much that it will receive favorable action.

Sincerely yours,

HAROLD SHADICK,
Professor of Chinese Literature, Director of the China Program,
Acting Chairman, Department of Far Eastern Studies.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3285), as amended, should be enacted.

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